

Ambert de Vertot d'Un-Herf R

THE

H I S T O R Y
O F T H E
R E V O L U T I O N S

That happened in the Government of the
R O M A N R E P U B L I C.

I N T W O V O L U M E S.

Translated from the FRENCH of
Mons. L'ABBE DE VERTOT.

VOLUME the FIRST.

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ADVERTISEMENT.

To the second edition of the **ROMAN REVOLUTIONS.**

THE mere name of so celebrated an historian as the Abbot DE VRRTOT, is enough to engage the reader to bestow, on whatever comes from his pen, a more than ordinary application of mind.

Not to mention his other works; in every part of his **ROMAN REVOLUTIONS**, equally, and at once, present themselves the useful and the agreeable. You therein see beauty of narration, purity of language, clearness of expression, verity of facts, with solidity of vouchers, and judicious reflections throughout the whole.

The amendments and additions, no less numerous than essential,

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made by the author himself in this new edition of that piece, must render invaluable a book that had before received such vast applause in France, Britain, and all other countries.

These, or to this effect, are the words of the royal Censor of books at Paris; to which I have nothing to add, but that the said History of the ROMAN REVOLUTIONS is here translated according to the second edition of the French abovementioned. Proper care has likewise been taken by my self and friends, not only to render the English correct, but also conformable to that simplicity of style so peculiar to the Abbot de VERTOT and the ancients.

9 DE61

April 24.
1721.

JOHN OZELL.

AN



A N

INTRODUCTORY DISCOURSE.

The foundation of the ROMAN Common-wealth, and the chief causes of its decay.

THE love of liberty was the first motive that swayed the Romans in the establishment of the republic, and the cause or pretence of those revolutions we have undertaken to write the history of. It was this love of liberty that proscribed the royalty, abridged the authority of the consulate, and upon certain occasions, suspended even the title of it. The very populace, to balance the power of the consuls, would have particular protectors chosen from out of their own body; and these Plebeian magistrates, under pretence of guarding the public liberty, raised themselves by degrees to be the di-

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rectors of the laws, and inspectors over the senate and the nobility.

These state-inquisitors kept in awe the consuls themselves and the generals. We shall find, in the course of this history, that they often obliged them, when their office was expired, to answer for their administration, and the success of their arms, before the assembly of the people. To conquer was not enough; the glory of the greatest victories could not shelter the general from their inquiries, if he had not been sufficiently careful of the lives of his soldiers, or during the campaign had treated them too imperiously: They expected he should know how to join the dignity of the commander with the modesty of the citizen. Qualifications too shining were even suspected, in a state where equality was looked upon as the foundation of the public liberty. The Romans were jealous of the virtues they could not help admiring; and those fierce republicans could not bear even to be served with superior talents, that might have the least prospect of subjecting them.

Those that were guilty of using unworthy methods to gain the consulate were for ever excluded from it. All offices and employments, except the censorship, were only annual. A consul, at the expiration of his consulate, retained no more authority than what his personal merit gave him: And after having commanded the armies of the republic in chief, he was often seen to serve in those very

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very armies under his successor. He could not enjoy the consulate again, till after an interval of ten years; and that great dignity was hardly ever left too long in the same family, for fear the government might insensibly grow hereditary.

But of all the precautions which the Romans made use of to preserve their liberty, none is more worthy of admiration, than that adherence which they a long time kept to the poverty of their ancestors: that poverty which, in the first inhabitants of Rome, was merely the effect of necessity, became a political virtue in their successors. The Romans thought it the surest guardian of liberty; nay, they found ways to make it honourable, that it might be a bar against luxury and ambition. This contempt of riches in private men grew to be a maxim of government: A Roman gloried in continuing in his poverty, at the same time that he daily exposed his life to increase the public treasure. Every man thought himself sufficiently wealthy in the riches of the state; and the generals, as well as the common soldiers, received their subsistence only from their own little patrimony which they cultivated with their own hands: *Guadebat tellus vomere laureato **.

The first Romans were all husbandmen, and the husbandmen were all soldiers; their habit was coarse, their food plain and frugal, their labour constant: They bred up their

* Pliny.

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children in this hard way, to make them the more robust, and more capable of enduring the fatigues of the war. But under their rustic outside lay an incomparable valour, great elevation and nobleness of sentiments ; glory was their only passion, and they placed it in the defence of their liberty, and making themselves masters of that of their neighbours.

Some modern writers, who cannot bear such virtues in the ancients, pretend that we make a merit of the rudeness of these first Romans, and that they despised riches only because they knew not the value and conveniences of them.

To remove this objection, we need only cast our eyes upon the course of this history, and we shall see that in the fifth and sixth ages after the foundation of Rome, at the very time when the republic was mistress of all Italy, and of part of Sicily, Spain, Gaul, and Africa itself, they still took their generals from the plough : *Attilii manus rustico opere attritæ salutem publicam stabilierunt* *. What glory to a state to have captains able to conquer great provinces for her, and so disinterested as to preserve their poverty in the midst of their conquests.

I do not speak of the sumptuary laws that were in force in the sixth century †, which without any distinction of birth, fortune, or

* V. M. l. 4. Cic. pro S. Roscio, Pl. l. 18. c. 3. † Macr.

dignity,

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dignity, regulated the expence of every citizen. Nothing escaped the wise legislators that established those severe rules : every thing is settled by them, as well in dress, as in the expence of the table, the number of guests at feasts, and even the charges of funerals. Read the *Lex Oppia*; you will see that it forbids the Roman ladies wearing habits of several colours *, having ornaments about their dress exceeding the value of half an ounce of gold, and being carried in a chariot with two horses within a mile of Rome, unless to assist at some sacrifice. The *Lex Orchia* fixed the number of guests that a man might invite to a feast : And the *Lex Phania* forbade spending at it above a hundred *asses*, *centenos aeris*; which amounted to about fifty pence of our money. Lastly, the *Lex Cornelia* settled the utmost sum which might be spent at a funeral, at a yet more moderate rate : Regulations, which though they may seem beneath the greatness and power to which the Romans had even then attained, yet, by banishing luxury out of private families, were the strength and safety of the commonwealth.

By means of this voluntary poverty, and a laborious life, the republic bred in her bosom no men but what were strong, robust, full of valour, and who expecting nothing from one another, did, by a mutual independence, preserve the liberty of their country.

* Paul, *Man, de Leg. Sumpt.*

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It was these illustrious husbandmen, that in less than three hundred years subdued the most warlike nations in Italy, defeated prodigious armies of Gauls, Cimbri, and Teutones, and broke the formidable power of Carthage.

But after the destruction of that rival of Rome, the Romans, invincible abroad, sunk beneath the weight of their own greatness.

————— *Ifsa nocet moles* *.

Luxury and the love of riches came into Rome with the treasures of the conquered provinces; and that poverty and temperance which had formed so many great captains, fell into contempt.

————— *Fæcunda virorum
Paupertas fugitur* † ——

And what is most surprising is, says Velleius Paterculus, that it was nor by degrees, but all at once, that this vast alteration happened, and the Romans ran headlong into luxury and effeminacy : *Sublata imperii Æmula, non gradū sed precipiti curru a virtute decessum, ad vitia transcurrentem* ‡. Pleasure succeeded in the room of temperance; idleness took place of labour, and private regards extinguished that zeal and vehemence which their ancestors had shewed for the interest of the public.

* Lucan, I. 2.

† Ibid,

‡ Vel. Pat. I. 2.

And

And indeed, one would take it to be another nation which is now going to appear upon the stage ; a general corruption soon spread itself through all degrees in the state : Justice was publicly sold in the tribunals ; the voices of the people went for the highest bidder ; and the consuls, after having obtained that great post by intrigues, or by bribery, never now went to war but to enrich themselves with the spoils of nations, and often to plunder those very provinces which their duty bound them to defend and protect.

Hence came the immense wealth of some generals. Who would believe that Crassus, a Roman citizen, should be master of above seven thousand talents * ? I omit the treasures that Lucullus brought from Asia, and Julius Cæsar from Gaul. The former at his return built himself palaces, and lived in them with a magnificence and delicacy, that the ancient kings of Persia would have found it hard to imitate ; and Cæsar, more ambitious, besides enriching a great number of officers and soldiers by politic liberalities, had full enough to corrupt the chief men in Rome, and to buy out the liberty of his country.

The provinces were obliged to supply these prodigious expences. The generals, under colour of subsisting their troops, possessed themselves of the revenues of the common-

* 10,500,000 Livres.

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wealth : And the state was weakened, in proportion as its members became more powerful.

Besides the ordinary tribute, the governors daily exacted new sums, either by the name of presents, at their entrance into the province, or by way of loan. Nay, oftentimes they cared for no pretence at all. It was colour sufficient for rifling the people, and laying new imposts, if they did but give those exactions a new name : *Cujus modo rei nomen reperiri poterat, hoc satis esse ad cogendas pecunias**. And what was still more insupportable, to get ready money, they gave the collection of these extraordinary tributes to publicans, who to make themselves amends for having advanced their cash, laid a double load upon the provinces, and by enormous usuries consumed the revenues of the following year.

All these riches flowed to Rome. Rivers of gold, or to speak more properly, the purest blood of the people ran thither from all the provinces, and carried along with it the most terrible luxury. There arose of a sudden, and as it were by enchantment, magnificent palaces, whose walls, roofs, and ceilings, were all gilded. It was not enough for their beds and tables to be of silver ; that rich metal must also be carved or adorned with *Basso Relievos*, performed by the most excellent artists.

* Cæsar de Bell. Civ. l. 3.

— O ! Pater Urbis
Unde nefas tantum Latiis pastoribus * !

It is Seneca that informs us of this surprising change in the manners of the Romans, and who being himself worth seven millions of gold, was not ashamed to leave us those excellent discourses upon poverty, which all the world admires in his writings. By what rule of philosophy, cried Suillius, has Seneca in four years favour acquired above seven millions of gold ? He upbraided him, that his chief study was to run after wills, to take as in a net those that were without children, and to fill Italy and the provinces with his uturies : *Qua sapientia, quibus philosophorum præceptis, intra quadriennium Regiae amicitiae, ter millies festerium paravisset ? Romæ testamenta & orbos velut indagine ejus capi. Italianam & provincias immenso fænore bauriri* †.

All the money in the state was in the hands of some great men, the publicans, and certain freedmen richer than their patrons. Every body knows, that the stately amphitheatre which was called after the name of Pompey ‡, and would hold forty thousand people, was built at the cost of Demetrius, who was his freedman : *Quem non puduit, says Seneca, locupletiorem esse Pompeio* §.

Pallas, another freedman, and as rich as Seneca, for refusing a present from the emperor

* Juv. Sat. 2.

‡ Dion. Cass. l. 39.

† Tacit. Ann. lib. 13.

§ Senec. de Tran. Anim. c. 8.

Claudius,

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Claudius, his master, received the solemn praises of a full senate, and was compared to those ancient Romans before mentioned, so famous for their disinterestedness. Nay, it was thought worth while to preserve the memory of his refusal by an inscription dictated by flattery. "There is upon the way of Tibur," says Pliny, a monument with these words : "The senate decreed Pallas the ornaments of "the prætorship, and a hundred and fifty "thousand great sesterces *." But he refused "the money, and was satisfied with the ho- "nours and distinctions belonging to that "dignity." *Et fixum est publico senatus-consul- tum quo libertinus seftertium ter millies possessor antiquæ parsimoniae laudibus cumulabatur* †.

Great moderation indeed in a freedman worth seven millions of gold, to be satisfied with the ornaments of the prætorship ! Bat what shame to Rome, to see a fellow just got out of the chains of servitude, appear, says Pliny, with the *fasces* ! he that formerly left his village with his feet naked and whitened with the chalk with which they marked the slaves : *Unde cretatis pedibus advenisset* §.

I should write a book instead of a preface, if I entered into the particulars of the Roman luxury, and went about to represent the magnificence of their buildings, the richness of their habits, the jewels they wore, the prodi-

* 3,750,000 Livres.

† Tac. Ann. lib. 12.
‡ Plin. l. 7. Ep. 29. l. 8. Ep. 6.

* Plin. l. 35. C. penult.

gious number of slaves, freedmen, and clients, by whom they were constantly attended, and especially the expence and profusion of their tables.

In the time even of the republic, they were not contented, says Pacatus *, if in the very depth of winter the Falernian wine that was filled out to them was not strowed with roses, and cooled in vessels of gold in summer. They valued the feast only according to the costliness of the dishes that were served up. The birds of the Phasis (pheasants) must be fetched for them through all the dangers of the sea; and to compleat their corruption, after the conquest of Asia, they began to introduce women-singers and dancers into their entertainments.

The young men chose them for the objects of their foolish passion. They curled their hair after their manner, affected to imitate the very sound of their voice, and their lascivious gate, and excelled those infamous women in nothing but vice and effeminacy. *Capillum frangere, et ad muliebres blanditias vocem extenuare, mollitie corporis certare cum fæminis, et immundissimis se excolere munditiis nostrorum adolescentium specimen est* †.

And accordingly Julius Cæsar, who very well knew the false delicacy of those effeminate youths, commanded his soldiers in the

* Panegyr. Theod. Aug. † Sen. Rhet. Controv. 1.

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battle of Pharsalia, instead of darting their javelins at a distance, to push them directly at the face * : *Miles faciem feri*. And it happened, as that great man foresaw, the young fellows, excessively fond of their own beauty, turned their backs, and fled, for fear of being disfigured with wounds and scars.

What defenders of liberty ! What an omen of approaching slavery ! None could be greater, than to see valour less regarded in a state than luxury ; to see the poor officer languishing in the obscure honours of a legion, while the grandees concealed their cowardice, and dazzled the eyes of the public by the magnificence of their equipage, and the prodigality of their expence.

— — — — — *Sævior armis*

Luxuria incubuit vittumq; ulscicitur orbem †.

A luxury so general soon wasted the wealth of private men. To supply their extravagance, after having sold their houses and lands, they by base adoptions and scandalous alliances made sale of the illustrious blood of their ancestors ; and when they had nothing else to sell, they made money of their liberty. The magistrate, as well as the private citizen, officer and soldier, transferred their obedience wherever they thought it would turn to most advantage. The legions of the commonwealth became the legions of the great men,

* Fl. l. 4. c. 2.

† Lucan.

and of the heads of parties : And these, to engage the soldier more strictly to their fortune, winked at his rapine, and neglected the military discipline to which their ancestors owed their conquests, and the republic its glory.

Luxury and softness were spread from the city quite through the camp. Whole crowds of servants and slaves, with all the equipage of voluptuousness, followed the army, almost an army themselves. Cæsar, when he forced Pompey's camp in the plains of Pharsalia, found the tables spread as for so many feasts. The side-board, says he*, bent beneath the load of plate both gold and silver ; the tents were raised upon fine green turf ; and some, as particularly that of Lentulus, for the sake of coolness, were shaded with boughs and ivy. In a word, on the side he had forced he saw luxury and debauchery, and murder and carnage in those parts where the fight still continued : *Alibi prælia & vulnera, alibi popins, simul cruor et strues corporum, juxta scorta et scortis simile* †.

Is it any wonder that men who gave themselves up to pleasure in the very midst of danger, and exposed themselves to danger only to supply the expence of their pleasure, should see their liberty buried in the fields of Pharsalia ? Whereas so long as that liberty, so dear to the first Romans, was guarded by poverty

* De Bell. Civ. I. 3.

† Tacit.

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and temperance ; love of their country, valour, and all the other virtues, both civil and military, were found always to attend it.

—*Utinam remeare liceret
Ad veteres fines, et mænia pauperis Anci* *

* Claud. de Bell. Gild.

9 DE61

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MEMORIAL

Sent from LONDON to the
Abbot DE VERTOT at PARIS;

By the late
EARL STANHOPE,
Principal Secretary of State.

MONSIEUR the Abbot de Vertot is desired to communicate to some persons, whom his history of the Roman Revolutions has rendered curious in every thing relating to the ancient government of that republic, his thoughts upon a point which seems not sufficiently cleared up by those moderns that have treated of the Roman constitution.

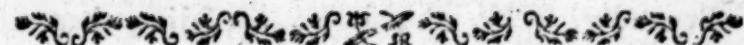
The question is, What was the ordinary and regular method of admission into the senate, in the four or five first ages of the commonwealth?

It is certain, that in the remotest times of that state, the dignity of consul, and perhaps afterwards even that of prætor, or others gave those who had been invested with them, the right of sitting in the senate during life.

We are sensible, that in the first ages there were none but patricians in the senate: but we would fain know exactly by what rule, or by what authority some patricians were senators, while a great many other patricians did not partake of that honour. Was it from any right of succession, or primogeniture? Or had the censors, and before the establishment of that magistracy, the consuls, the prerogative of nominating such patricians as they pleased, to fill the places which became vacant in the senate?

We find, that after the second Punic war, a dictator was created to fill up the senate, which was very much exhausted: but this fact, instead of resolving our doubts in this particular, only increases them; for we might from thence infer, that the Romans had no common and regular method of supplying the vacancies in the senate, since they had recourse to the extraordinary power of a dictator.

If any man in this age is capable, not only of solving these doubts, but also of giving the public just notions in every thing relating to the rights and prerogatives of the senate, and the patrician order, it must be the learned and polite author of the Roman Revolutions.



THE
ANSWER
TO THE
MEMORIAL.

PARIS, Decemb. 1. 1719.

I AM asked my opinion upon divers questions relating to the constitution of the Roman senate; and a Frenchman is applied to for the solution of difficulties, started in a nation which still retains some footsteps of the ancient government of the first Romans; and which, consequently, ought to be better acquainted therewith. Besides, Who can have a more compleat knowledge both of the civil and military discipline of those famous republicans than the learned and able minister, and withal the great captain that does me the honour to propose these questions to me; he from whose judgment there had been no appeal in the time of Varro and Tully themselves?

In the Memorial sent to me, the first question is, What was the ordinary and regular method of

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admission into the senate in the four or five first ages of the commonwealth.

Secondly, Why, the senate consisting then of none but patricians, we read of some patricians that were senators, while others were only private men, and did not partake of that dignity? And whether this distinction came by succession and primogeniture, or whether the choice of the candidates lay wholly in the consuls, and afterwards in the censors.

Lastly, For what reason, after the second Punic war, a dictator was named on purpose to fill up the vacancies in the senate; from whence one might infer, that the Romans had no common and regular way of supplying those vacancies, since they had recourse to the extraordinary power of a dictator?

Though the author of the Memorial places his doubts in the four or five first ages of the commonwealth, they do not seem to us to reach so far; but they can hardly be cleared up, without going back to the very foundation of Rome, and the first establishment of the senate.

Rome, like most other states, did more than once change the form of her government. At first, as every body knows, she was governed by kings. The consuls succeeded those princes, though with a limited authority. And afterwards, about the 31st year of Rome, the censorship was created, and was a limb cut off from the consulate: and it is to these three epocha's, that we shall refer all that concerns the creation of the first senators, and the nomination of their successors.

If we will believe the greater number of historians, it was first the kings, and afterwards the consuls and censors, that disposed of the vacant places in the senate. According to other authors, the people's votes were necessary in this promotion; and which adds to the perplexity, this diversity of opinion

opinion is found not only in different historians, but oftentimes the same writer seems to contradict himself in different parts of his work. This is apt to breed a kind of pyrrhonism, which is not easily thrown off, unless we are particularly attentive to the several points of time. There is no way but by taking a view of the different epocha's of the government, to form a just notion of the several methods by which at several times a Roman citizen, whether knight or plebeian, attained the dignity of senator.

Romulus, says Livy, finding his state did not want forces, was resolved to establish a council that might direct their operations, and to be in a manner the basis of the constitution, and the pole upon which the whole government should turn. In this view he created a hundred senators, *quam, jam virium haud pæniteret, consilium deinde viribus parat, centum creat senatores* *. So that, according to that historian, it was the first king of Rome that created the senate. Plutarch, in that prince's life, ascribes the establishment of that society to him in the same manner. Diony-fius Halicarnassus at first does not seem averse to the opinion of those two historians. Romulus, says he in his second book, resolved to form the council of a hundred senators, to share with him in the cares of the administration. But he adds afterwards, that the prince only named the first senator, who, in his absence, was to preside in the senate, and command in the city; that he ordered the three tribes, whereof the state then consisted, to chuse each of them three senators; and that by virtue of a second command of the same prince, the thirty *curiae*, which made up those three tribes, named each three more; which, with the senator named by the king, made just a hundred senators. We see it is the king alone that forms the design

* Liv. i. Dec. 1.

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of creating a senate ; it is he that names the president or prince of that body of his own authority ; and though the tribes and *curiae* elect the other ninety-nine senators, it is only in consequence of the express order and command of Romulus.

We find the same opinion again in another part of the same book ; and when Romulus and Tatius the Sabine added a hundred new patricians to the senate, the choice of those senators, according to that historian, was left wholly to the *curiae*, and to the plurality of voices. That writer does, indeed, add, that after the election, it was the two princes, the Roman and the Sabine, that admitted those new magistrates into the senate ; which shews, notwithstanding Dionysius's prejudice, that let there be what election there would, it was the authority of the sovereigns that made it valid ; much as it is in England, where the bills proposed by the house of commons, and approved by the lords, do not yet acquire the force of laws till they have the consent of the prince. And accordingly, when any historian of that nation ascribes to any of their kings the establishment of a law, we are always to take it for granted, that the parliament's consent was first had to the promulgation thereof.

But to return to our subject : We may observe that Livy, in all his accounts of the reigns of the Roman kings, appears a thorough royalist, if we may use the expression Dionysius Halicarnassus, on the contrary, a republican, under the very royalty itself, does, in many parts of his history, make the kings of Rome merely the heads of the senate. If we consult the Latin historian for the manner in which the principal men of the town of Alba, after its destruction, were admitted into the senate, it was the king, according to that author, Tullus Hostilius, that opened them the gates ; *Principes Albanorum*, (says he) *in patres*,

ut

ut ea queque pars reipublicæ cresceret, legit; and he set apart a temple to serve as a palace or place of assembly for that body, which he had now augmented, *templumque ordinis ab se aucto curiam fecit.*

If, on the contrary, we cast our eyes upon the Greek historian, we shall find that the king assembles the senate, gathers their suffrages; and that there the resolution is taken of demolishing the city of Alba, removing the inhabitants to Rome, and admitting seven of the principal families into the senate: all this is determined in a public deliberation, wherein the prince seems to have had no more than his single voice, like the rest. The Romans have decreed it, says that prince, speaking to the Albans, to inform them of what had been agreed upon touching the destruction of their city.

Livy never varies from his character all through his account of the government of the kings. Those princes determine solely and absolutely concerning every thing that relates to the senate. When Tarquin the Ancient, contrary to custom, brings into it a hundred plebeians; the Latin historian tells us directly, that this innovation was the prince's own doing; and that those hundred plebeians were admitted into the senate only by his favour; *centum in patres legit, qui deinde minorum gentium sunt appellati:* And he adds, *fatio haud dubia regis, cuius beneficio in curiam venerant.*

The same historian, after having related the ill designs of Tarquin the Proud, the grandson of the Prince just mentioned, and all the engines he set at work to usurp the crown, which was then upon the head of Servilius Tullus, says expressly, that he endeavoured to gain over those new senators, which Tarquin the Ancient, his grandfather, had admitted into the senate; and that to draw them to his side, he put them in mind, that they held their dignities wholly of his family; and that now they ought

ought to shew him their acknowledgement ; *admonere paterni beneficij et pro eo gratiam repeterem* : an acknowledgment which he would have had no title to expect, if their admission into the senate had depended upon the voices of the multitude ; and Tarquin the Ancient had had only his single vote in that election, like the rest of the senators.

That prince, or to speak more truly, that tyrant, after having possessed himself of the throne, in the manner which every body knows ; put to death, or banished, such senators as he was apprehensive of, either upon account of their power or wealth : and he would not fill up their places, says Livy, to the intent that the society might fall into contempt by their fewness ; *numero immunito*, says he, *statuit nullos in patres legere, quo contemptior paucitate ipsa ordo esset* : so that the nomination of the senators appears, by him, to have lain in the prince. Dionysius Halicarnassus does indeed differ here from Livy ; for, after relating the same fact, and the death or banishment of a great many senators, he says directly, that Tarquin did fill their places with his own creatures, and in a manner made a new senate. But, notwithstanding the contrariety of the facts, nothing appears in either of them in derogation of the right and prerogative of kings : and whether Tarquin would not substitute other senators in the room of those he had slain or exiled, as Livy relates it ; or whether he supplied their places with his adherents, as Dionysius Halicarnassus tells us : still in both historians mention is made of the prince's authority only ; and that is all we wanted, as to the nomination of the senators.

Lastly, Livy confirms his opinion in the speech, which he puts into the mouth of a certain tribune of the people, named *Canuleius*, who was for revoking one of the laws of the twelve tables, which forbade all alliance between the patricians and the plebeians. That tribune upbraids the former

former with being descended most of them from Albans or Sabines: You do not owe your nobility, says he, to your origin; but to your ancestors having been admitted into the senate, either by the choice of our kings, or by the will and pleasure of the people, since their expulsion; *aut ab regibus leēti, aut post reges exactos, jussu populi.*

That tribune, or the historian that speaks for him, distinguishes two æras, and two different methods of election. He says, that, during the reigns of the kings, those princes disposed of the places in the senate, *aut ab regibus leēti*, and at the same time he maintains, that, after the expulsion of the kings, that right devolved to the people: but this last proposition is not without great difficulties, as we shall shew.

We are now come to the establishment of the commonwealth, which the author of the Memorial makes the date and beginning of his doubts: The question is, says he, "What was then the common "and regular method of admission into the senate?" If we will believe Livy, in the passage above quoted, the suffrages of the people determined it, *jussu populi*. Cicero, so well versed in the laws and usages of his own country, declares himself of the same opinion: It was, says he, the whole body of the people that made choice of those who should sit in that supreme council, *deligerentur in id consilium ab universo populo**. Here indeed we have the right of this election ascribed wholly to the people, by the testimony of the two most celebrated writers in the republic; but unluckily the facts and examples are directly contrary to this notion; and, what is most singular, Livy himself furnishes us with most of those examples, without saying any thing to lessen the credit of the facts, and without so much as mentioning the rights of the people.

* *Orat. pro Sextio.*

xxiv *Answer to Earl STANHOPE's Memorial.*

We read in that historian, that, after the expulsion of the kings, and Collatinus's abdication of the consulship, Brutus then sole consul, finding the senate considerably diminished by Tarquin's cruelties, filled it with new members, and increased the number of the fathers to 300; which we are told he chose out of the order of knights. So that we see it was none of the people that named the senators in the first age of the commonwealth. Here is the first consul that ever the Romans had, and then without a colleague, exercising this power without opposition or contradiction: *Cædibus*, says Livy, *diminutum patrum numerum ad trecentorum summam expletivit*. We are now left to reconcile this passage in Livy's first book with the speech of Canuleius the tribune, which we find in the fourth of the first decad.

Dionysius Halicarnassus, who almost constantly relates the same facts, but with different circumstances, says, that, even at the time of this promotion, Valerius was Brutus's colleague; and he adds, that those two consuls took the new senators out of the body of the people, *præcipuos ex plebe allegerunt*. Plutarch has the same fact in a third manner; he affirms, that Valerius was then sole consul; and that, for fear his future colleague might hinder him in the execution of the design he had laid, he made haste to name the senators that should fill the vacant places in the senate: but, though these three historians differ in the circumstances of the fact, we find nothing in them in favour of the rights of the people. The consul is still the person that makes the nomination; and, as to the main of the question, it is indifferent whether that consul's name is *Brutus* or *Valerius*.

It is very probable, that the consuls, who succeeded the kings in the sovereign power, *regio imperio duo sunt*, who had all the ensigns of it, the lictors, the robe bordered with purple, the curule chair,

chair, and the sceptre or staff of ivory ; that those great magistrates, I say, the heads of the senate, and rightful generals of the armies, and who, indeed, differed from the kings in nothing, but that their authority was divided, and only annual, succeeded to the right those princes enjoyed, of supplying the vacancies in the senate.

But these consuls being afterwards too much taken up with wars abroad, which often kept them from Rome, the right of nominating the senators fell from the consuls to the censors, a new magistracy, created the 311th year of Rome, only sixty-six years after the establishment of the commonwealth.

We are told, that these new magistrates were at first set up only for taking the number of the Roman people, which was then called the *census*, a custom instituted by king Servilius Tullius. But, as authority naturally seeks to enlarge itself, the censors by degrees got to themselves the reformation of the three orders of the commonwealth, and afterwards they engrossed the right of nominating the senators, and even of expelling from the senate such as they thought unworthy of their seats ; of taking away the horse and gold ring from such knights as had not done their duty, and of degrading into the lower tribes, such of the people who led irregular lives. History is full of instances of this authority in the censors, who, by a wholesome terror, restrained the several orders of the state within the bounds of their duty. We shall not enter farther into the various functions of this great office, which was looked upon among the Romans, as the pinnacle of all the honours a citizen could arrive at : but keep to the question proposed. It appears then to me, by all that I can find in the historians of that nation, that the censors succeeded the consuls in the nomination of the senators, as the consuls before succeeded the kings in the same

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prerogative : but whether those princes, or those magistrates, made that nomination without the concurrence of the people ; or whether the people themselves elected the senators, as they did their other magistrates, is what we shall be better able to judge of, by what we are going to produce, in order to reconcile two opinions that seem so opposite.

Paulus Manutius pretends, that the kings, the consuls, and the censors, had indeed the right of proposing to the assembly of the people such as they thought worthy to fill the vacancies in the senate, but that the choice between those candidates lay in the people, whose votes were however confined to those whom their magistrates had proposed to them ; a conjecture so much the weaker, as it is supported by no one proof : unless we will allow the republic's custom, of admitting no magistrate but by the way of election, to be a proof. Not but that the people may in some manner be said to have opened the gates of the senate to those, who were raised to the curule magistracies by their voices ; because those great dignities not only gave a seat in the senate to those who enjoyed this during the year, but they also still retained it, even after their office was expired ; and the censors, when they filled the vacant places in the senate, were obliged to inscribe them first, and each according to his rank, in the roll of the senators. And perhaps it may be of this particular part of the people's privilege, that we are to understand what Canuleius and Cicero have left us, in terms too general, of the people's power in the nomination of the senators.

Thus the dictator, M. Fabius Buteo, in the second Punic war, in an extraordinary emergency, when he was obliged to perform the function of censor, after having called the ancient senators each by name, did appoint to supply the places of the dead, first, says Livy, such as since the censorship of L. Æmilius and C. Flamininus had held any curule

curule dignity, and had not yet been inserted in the roll of senators, though their offices gave them admission into the senate : *Recitato vetere senatu, inde primum in mortuorum locum legit qui post L. Æmilium & C. Flaminium censores, curulem magistratum cœpissent, nec dum in senatum lecti effent, &c.*

But from this very example, says the author of the memorial, and from the censorship of a dictator, we may infer, that the Romans had no common and regular method of supplying the vacancies in the senate, since they had recourse to the extraordinary power of a dictator.

We may answer, that, on the contrary, this example being extraordinary and singular, is the very reason why nothing can be inferred from it, against the power of the censors alone to name the senators. Can any man affirm with the least foundation, that it was not a common and regular custom in the republic, to chuse the tribunes of the people only out of the body of the plebeians, because upon one single occasion, under the consulship of L. Valerius, and M. Horatius, we find in the tribuneship Sp. Tarpeius and A. Haterius, both patricians, old senators, and even consulars, whom the senate had politicly got into that office, to cross the ill designs of the other tribunes, *duos etiam patricios,* says Livy, *consularesque, Sp. Tarpeium ut hulum Haterium co-optavere **.

It is certain, there is no state so strongly attached to its form of government, but in some certain conjectures it is forced to bear with several alterations. Such was then the case with the Roman commonwealth : four great defeats, received from the Carthaginians, had exhausted the best of her blood. They particularly, says Livy, bewailed the loss of eighty citizens, part senators, part such as had enjoyed offices, after the expiration of which, in the next census they were to have been inscribed

* Dec. 1. l. 3. c. 65.

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in the number of senators. The state wanted soldiers; they had been obliged to list their very slaves; and Hannibal was at the gates of Rome. The few senators that remained, oppressed with the weight of all affairs, called for a supply of colleagues in the room of those senators that fell in this fierce war. It is probable the two last censors, L. Aemilius and C. Flaminius, had either been slain in those bloody engagements, or were out of their office. No expedient was left to supply the want of censors, but in the person of M. Junius Pera, then dictator, a post which seems to have eminently included all the other dignities in the commonwealth. But as that great magistrate was then distant from Rome, commanding the army against Hannibal, L. Terentius Varro, first consul, was ordered to repair to Rome, and name a second dictator, that might perform the function of the censors upon this occasion; and it was agreed, in order to preserve the ancient form of government as much as possible, that the consul should name none but the oldest of those who had been censors; so that, when Varro nominated M. Fabius Buteo to be dictator, he could not so properly be said to give the republic a dictator, as the first and oldest of the censors. And, to make this new magistrate sensible that he had nothing of the dictatorship but the name, he was expressly forbid the nomination of a general of the horse, a prerogative in a manner inseparable from the dictatorship, to which that officer was looked upon as the lieutenant.

Livy relates, that this dictator, after his nomination, ascending the rostrum, declared plainly to the assembly, that he could neither approve of two dictators at the same time, which was never seen in the republic before, nor of his being made dictator, without having liberty to name his general of the horse; that it was no less extraordinary, to have one single citizen appointed to do the business of

two censors; and that this dignity, contrary to custom, should be twice bestowed upon the same person. That however, notwithstanding these irregularities, he would endeavour to behave himself in the administration of his office, with all the caution that the calamity of the times, their present fortune, and the necessity of affairs would admit of *.

This dictator then nominated 177 citizens to be senators, beginning, as we said before, with those that had enjoyed the curule dignities; and he made a choice, says Livy, which was equally approved of by all the orders of the commonwealth; *centum septuaginta septem cum ingenti approbatione omnium in senatum lectis*, a proof that this choice was wholly his own work: for, if the nomination of the senators had depended upon the voices of the multitude, it would have been ridiculous to have given praises to the dictator, for a choice which was none of his making. And to shew that the blame, as well as the praise of these choices, fell upon the censors, we read that Appius Claudius, and Plautius, his colleague in the censorship, having filled the vacant places in the senate with the sons of freedmen, C. Junius Bulbulcus, and Q. Æmilius Barbula, the consuls for the following year, moved with indignation to see so august an assembly dishonoured by the censors with such a choice, annulled this election of the censors, and, without any regard to the last nomination, caused the senators to be called anew, according to the ancient roll, and in the same order that they stood before the censorship of Appius and Plautius. Neither Fabius Buteo would have deserved the praises that were bestowed upon him, nor Appius Claudius and Plautius the shame they were loaded with, if the appointment of the new senators had depended upon the votes of the multitude.

We see therefore, that the extraordinary exam-

* Dec. 3. l. 3. c. 7.

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ple of M. Fabius Buteo, raised to the dictatorship only to fill the vacancies in the senate, amounts to no consequence against the prerogative of the censors to make that nomination. And, if we except this one instance, and such as happened in the tumultuous times of the Gracchi, and during the civil wars, we shall not find, that, from the very foundation of Rome, any but the kings, or the consuls and censors, who succeeded them in this part of the government, ever appointed such citizens of the republic as should supply the vacancies in the senate.

I excepted the tribuneship of the Gracchi out of my general proposition ; because we are told, that Caius the younger of them brought a great number of knights into the senate ; others ascribe this extraordinary nomination to Livius Drusus another tribune. There are even some who pretend, that this is only meant of particular magistrates to dispense justice to the people. I shall not enter into this dispute, which would require a dissertation by itself.

I shall only observe, that Sylla and Marius, the leaders in the first civil war, filled the senate with their creatures ; that Julius Cæsar carried his usurpation yet further, and brought into it not only the sons of freedmen but even barbarians, nay, quacks too and soothsayers : That afterwards the triumvirs, having exhausted that venerable body by their cruel proscriptions, did in their turn croud it with their ruffians ; so that, after Augustus had rid himself of his two colleagues in the triumvirate, the senate was found to consist of above a thousand senators, most of them unworthy of that great title, and who had purchased it with money, or the price of villainy. That prince, now absolute master of the empire, resolved to purge that illustrious society of so many base members. *Senotorum numerum, says Suetonius, deformi et incondita turba, erant*

erant enim supra mille et quidam indignissimi, et post necem Caesaris per gratiam & præmium allecti, quos Orcinos [others have it, Abortivos] vulgus vocabat, ad modum pristinum et splendorem rededit. Augustus having driven these scoundrels out of the senate, allowed those senators that remained to name each of them another. But not being satisfied with this election, wherein friendship, consanguinity, and perhaps interest too, had a greater share than merit ; he made a second choice, in which he consulted none but Agrippa ; *duabus lectionibus, prima iſforum arbitratu. quo vir virum legit ; secunda ſuo et Agrippæ** : a proof that this prince had taken to himself the authority exercised before by the censors, the consuls, and the kings of Rome.

His successors in the empire looked upon the authority of the censors, as a part of the imperial dignity ; and Decius naming Valerian to be censor, and explaining to him all the prerogatives and rights of so eminent an office : Valerian, like an artful courtier, made answer, that those prerogatives belonged to no body but the emperor ; *hæc ſunt propter quæ Auguſtum nomen tenetis apud vos censura deſedit †.*

Let us now proceed to the ſecond question proposed; namely, Why the senate consisting of none but patricians then, that is, as the author of the Memorial asserts, in the four or five first ages of the republic, there ſhould be ſome patricians that were senators, and other patricians mere private men, and not partaking of that dignity ? We are asked, Whether this diſtinction arose by ſucceſſion and birthright, or whether the choice of the senators depended absolutely upon the consuls, and afterwards upon the censors ?

* ſhet. c. 35.

† Trebellius Pollio.

In order to answer this question, we must look back upon what we have related upon Livy's authority, of the institution of the first senators. Romulus, according to that historian, created but an hundred ; either, says he, because he thought that number sufficient, or because he could chuse out but so many that had all the qualifications requisite in a senator ; *five quia is numerus satis erat ; five quia soli centum erant qui creari patres possint.* Livy adds, that those hundred senators were called *fathers*, by way of reverence ; and their children and descendants *patricians* ; *Patrisque progenies eorum appellati* ; the first and clearest nobility among the Romans. Some authors relate, that those first patricians wore crescents upon their shoes ; others say, the letter C, to shew that they descended from the hundred first senators : These children and descendants of those first senators, quickly multiplied into different branches of patricians. At first the senators, the priests, and all those who had the chief inspection over the affairs of religion, were chosen out of this body only. But those employments, and especially the dignity of senator, did not devolve by right of succession : it is true, it was requisite to be a patrician in order to be a senator : but as the number of patricians quickly exceeded that at which the senate was fixed, all the patricians could not possibly be senators ; As we see that all the Venetian nobles are not senators, though a man cannot be chosen a senator unless he is a Venetian noble. So at Rome it was not sufficient to be a patrician, to be admitted into the senate. Birth gave the first of those qualifications, but it was merit alone that procured the second. In order to be admitted into that august society, a man must have given eminent proofs of his valour in war, and of his capacity in business in times of peace ; the choice which the kings made of senators

tors, proves that this dignity did not depend upon a lineal and consanguineous succession; nay, e'er long, and even under the kings of Rome, the blood of those first patrician families was not so scrupulously regarded: and if any stranger at Rome, or any plebeians, were remarkable for their merit, the stranger was first made a citizen; and then to give either the stranger or the plebeian a right of entrance into the senate, they were declared patricians. Thus Ancus Martius, the fourth king of Rome, being very much byassed in favour of the merit and valour of a Tuscan, named Lacumon, loaded him with honours, made him first general of the horse, then patrician, and afterwards senator. It was to avoid the open violation of the custom of admitting none into the senate, but the descendants of the first hundred senators, that they gave the strangers or plebeians the name of patricians; the same Lacumon having afterwards attained the crown, with the name of Tarquin the ancient, by the favour of the people, did, in order to preserve their affection, chuse out of that order a hundred senators, which he added to the senate: and, after the example of Ancus Martius, he endeavoured to soften the resentment which this might breed in the patricians, by first giving that name to those plebeians.

Patricius fecit, says Livy, et in senatum numerum cooptavit. This king might, indeed, grant those plebeians the privileges of the patricians, and give them admission into the senate; but I don't see how he could possibly make a patrician, that is, how he could declare a man the descendant of one of the hundred first senators, that was not at all related to them, but was of a mean, obscure family; and whatever authority may be ascribed to the sovereign power, it is hard to conceive how a king can at once put a stop to the vulgar blood that runs in a plebeian's veins, and fill them with a

new

new supply more noble and more pure. And accordingly, as those plebeians were patricians only nominally, and by the force of a law, they were called, *The added fathers, or patricians of a meaner condition*; *Patres conscripti, minorum gentium*: Whereas the families of the first hundred senators, and the true patricians, assumed the title *majorum gentium*, that is to say, of grandees, and of the illustrious families. Which answers to what we call in France the highest nobility, *optimates*, though it is not easy to determine now, whether that title which so many people adorn themselves with, consists in a nobility so ancient that its origin is unknown, or in actual dignities which suppose, but do not always prove, a true nobility.

These distinctions ceased among the Romans soon after the expulsion of the kings. Dionysius Halicarnassus tells us, that the plebeians taking the advantage of Coriolanus's banishment, about the 260th year of Rome, introduced themselves into the senate and shared with the patricians the dignities which before were peculiar to the first order of the commonwealth. Other authors defer the entrance of the plebeians into the senate to the time of the creation of the decemvirs, about the 301st year of Rome, and only 56 after the establishment of the republic. After that time, all rank and nobility went by the right of images, that is to say, by the curule offices that had been in any family; and a citizen, though a plebeian originally, was nevertheless reckoned very noble, if his ancestors had been invested with the chief dignities of the state.

Rome, which at first knew but two sorts of citizens, was then divided into three different orders, which Ausonius comprehends in this verse,

Martia Roma triplex, equitatu, plebe, senatu.

The

The knights were originally part of the people, but the most considerable part of them; as the senators were taken out of the body of the patricians, and by their dignity were the chief of their order. But when all the honours of the republic were become common among all the citizens, wealth alone came by degrees to make the whole distinction; it was determined how much a citizen should be worth to be inscribed in the roll of knights, or being a knight to be qualified for senator. *Senatorial gradum*, says Seneca, *census ascendere facit*. The patricians were included in these regulations, as the other citizens; and whatever their merit might be in other respects, it was the goods of fortune that decided their rank. Such young patricians as happened to be rich, were first placed in the order of knights, from whence the censors afterwards chose the most worthy to raise them to the dignity of senators; and those poor patricians who had not wealth enough to be taken into the order of knights, or to be admitted into the senate, remained mingled with the common people, while they saw plebeians, because wealthy, adorned with the gold-ring, in quality of knights; or cloathed with the purple robe, and filling the vacant places in the senate; *Senator non es*, says Onuphrius Paninius, *ergo eques aut de populo; neque senator, neque eques quamvis patricius, ergo de populo, ordo enim præterea nullus supereft.*

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THE
H I S T O R Y
OF THE
REVOLUTIONS
That happened in the Government
OF THE
ROMAN REPUBLIC.

BOOK I.

Romulus the founder and first king of Rome, is at the same time head of its religion, and establishes divers laws with the consent of his subjects. He numbers the citizens, whom he divides into three tribes. Each tribe is afterwards divided into ten curia's or companies. The establishment of the senate, and of the order of knights. The nature of the plebsians. The Sabins, after a very sharp war, make a strict alliance with the Romans, and

live under the same laws. The death of Romulus. Numa succeeds him. He makes use of religion to soften the rugged manners of the inhabitants of the city of Rome. The battle of the Horatii and Curatii under Tullus Hostilius. Alba destroyed. Its inhabitants removed to Rome. Ancus Martius ordains ceremonies to precede declarations of war. He defeats the Latins, and joins their territory to that of Rome. Tarquin the Ancient is chosen king by the voices of the chief among the people, whom he had gained over to his side. He increases the number of the senators with a hundred of his creatures. The institution of the census by Servius Tullius. That prince is murdered by Tarquin the Proud, who seizes the royalty without the consent either of the people or senate. His ambition and cruelty create a general discontent, which the lust of Sextus Tarquin his son and the death of Lucretia turn into a general revolt. The Tarquins are expelled, and the royalty proscribed. The republican state succeeds the monarchical. They chuse two annual magistrates, whom they call consuls. The division, which soon after happens between the people and the senate, makes it necessary to create a new magistrate superior to the consuls, which is the dictator. The dissentions cease for some time; but afterwards they break out afresh, and go so far that the greatest part of the people leave the city, and retire to the Mons Sacer, nor do they come back again to Rome till they obtain a general abolition of all debts, and the creation of the tribunes of the people.

A Prince of uncertain birth, nursed by a prostitute, brought up by shepherds, and afterwards the leader of a gang of robbers, laid the first foundations of the capital of the world. He consecrated it to the god of war, from whom he would have it thought he sprung; and admitted for its inhabitants all sorts of men, and from all parts, Greeks, Latins, Albans, and Tuscans, most of them thepherds and robbers; but all fellows of resolute valour. An asylum which he opened for the protection of slaves and outlaws drew great numbers, to which he afterwards added his prisoners of war; thus making fellow-citizens of his enemies*.

*First year of
Rome, about
the 330th
year of the
world, and
the 4th of
the 6th O-
lympiad,
753 before
the birth of
our Saviour.*

Rome at the beginning was not so much a city, as a camp of soldiers, composed of little huts, and surrounded with slight walls, without civil laws, without magistrates, nay, and without women and children; and served only for a place of security to men of desperate fortunes, whom impunity or hopes of booty had drawn together. The conquerors of the universe owed their origin to a nest of thieves.

Scarce was this growing city raised above its foundation, when its first inhabitants thought it expedient to put the government into some form. Their chief view was to reconcile liberty with empire; and to effect it they established a kind of mixed monarchy, and divided the sovereign power between the head or prince of the nation, a senate that was to be his council, and the assembly of the people. Romulus, the founder of Rome, was

* Tit. Liv. 1. 1. D. 1. c. 8.

chosen for its first king * ; he was at the same time acknowledged the head of their religion, the chief magistrate of the city, and natural general of the state †. Besides a great number of guards, he had twelve lictors, a kind of ushers, that always attended him when he appeared in public. Each lictor was armed with a battle-axe, surrounded with a bundle of rods, to shew his right of the sword, the symbol of sovereignty ‡. But with all this pomp of royalty, his power was confined to very narrow limits ; and he had little more authority than to call together the senate, and the assemblies of the people, to propose affairs to them, to march at the head of the army, when war was resolved upon by a public decree ; and to give directions about the disposal of the public money, which was under the care of two treasurers, afterwards called *Quæstors*.

The first business of the new prince was to make several laws concerning religion, and civil government, all equally necessary for maintaining society among men, which nevertheless were not published without the consent of the whole Roman people. It is not well known what was the form of worship in those remote ages. We only learn from history, that the religion of the first Romans had a great deal of conformity with their origin. They celebrated the feast of the goddess Pales, one of the tutelar deities of shepherds. Pan, the god of forests, had also his altars among them ; he was honoured in the festival called *Lupercalia*, or *of the wolves*, in which they offered him a dog. Plutarch mentions a god called *Confus* ||, that presided over councils : he had no other temple than a grotto cut out under ground ; a mystic turn has been since given to that which perhaps was then a mere effect of chance or necessity, and we are made to believe that this tem-

* Dion. Halicar. l. 2. p. 81. † Liv. c. 8. ‡ Dion.
l. 2. Plat. in Rom. || Plut. in Rom.

ple was contrived under ground, to teach men that the deliberations of councils should be secret.

But the chief religion of those rude times lay in the augurs and aruspices, that is to say, in the prognostics which they drew from the flight of birds, or the entrails of beasts. The priests and sacrificers persuaded the people, that in these they plainly read the destinies of men. This pious fraud, which owed its establishment to nothing but the ignorance of those first ages, afterwards became one of the mysteries of state, as we shall have occasion to observe in the course of this history: And it is said, that Romulus himself would needs be the first augur of Rome, for fear some other, by the help of those superstitions, should get possession of the confidence of the multitude. He decreed, by a law made purposely for that end *, that no election should be entered upon, nor any person, for the future, raised to the royal dignity, to the priesthood, or to any of the public magistracies, nor any war undertaken, till the auspices had first been consulted†. It was in the same spirit of religion, and with very wise policy that he forbade all worship of foreign deities, which might have bred divisions among his new subjects. The priesthood, by the same law, was to be for life: A priest could not be elected till the age of fifty years. Romulus prohibited their mixing fables among the mysteries of religion, or giving them a false lustre, under pretence of making them more venerable to the people. They were bound to be acquainted with the laws and customs of their country, and to write the principal events that happened in the state: Thus they were its first historians and first lawyers.

We have remaining in history, some few fragments of the civil laws made by Romulus. The

* Cic. II. 3. De leg.

† Dion. I. 2.

first relates to married women * ; it decrees that they shall not leave their husbands upon any pretence whatsoever, at the same time that it allows the men to put them away, and even to punish them with death, with the concurrence of their relations, if they were convicted of adultery, poisoning, making of false keys, or only drinking wine. Romulus thought it necessary to make this severe law to prevent adultery, which he looked upon to be a second drunkenness, and a natural effect of that dangerous liquor : but nothing ever equalled the cruelty of the laws which he settled relating to children †. He gave their fathers an absolute power over their lives and fortunes ; they might by their private authority lock them up, put them to death, and even sell them for slaves three times over, whatever age they were of, or whatever dignities they had attained ‡ : A father was the chief magistrate over his own children ; they had liberty to make away with those that were born with any monstrous deformity ; but the father, before he exposed them, was obliged to take counsel with five of his nearest neighbours ; the law left him more at liberty as to a daughter, provided she were not the eldest ; and if he neglected any of these ordinances, half his effects were confiscate into the public treasury. Romulus, who was not to learn that the power of a state consists not so much in its extent, as in the number of its inhabitants, by the same law made it criminal to kill, or so much as sell, an enemy in war if he yielded ¶. The design of his wars was only to conquer men, being sure he should never want lands while he had troops sufficient to possess themselves of them.

It was to know his own strength, that he numbered all the citizens of Rome. § There was found

* Gellius. c 23.
l. 1.

¶ Dion. l. 2.

† Dion. Plut.
§ Ibid.

‡ Institut. Justin.

to be but three thousand foot, and about three hundred horse. Romulus divided them all into three equal tribes, and assigned to each a part of the city to inhabit : each tribe was afterwards subdivided into ten *curiae*, or companions of an hundred men, that had each a centurion to command them. A priest, who was called *Curius*, had the care of the sacrifices, and two of the principal inhabitants, called *Duumviri*, distributed justice between man and man.

Romulus having undertaken so great a design, as that of founding a state, cast about how he might secure the subsistence of his new people. Rome built upon a foreign ground which originally depended upon the city of Alba, had but a very narrow territory : It is affirmed *, that it was at most but five or six miles. Nevertheless the prince shared it into three parts, which it is true were unequal. The first was consecrated to the worship of the gods ; another was reserved for the revenue of the king, and the uses of the state ; the most considerable part was divided into thirty portions, to answer the thirty *curiae* † ; and each private man had no more than two acres for his subsistence.

The establishment of the senate succeeded this partition ; Romulus made it up of a hundred of the chief citizens ; the number was afterwards increased, as we shall observe in its proper place. The king named the first senator, and ordained that in his absence he should have the government of the city ‡; each tribe elected three, and each of the thirty *curiae* three more ; which compleated the number of an hundred senators, who were to be at the same time the king's ministers, and the protectors of the people : functions no less noble than hard to execute well.

* V. Sisabo. l. V.

† Dion. l. 2.

‡ Id. Ibid.

All affairs of importance were brought before the senate. The prince, as head, did indeed preside in it; but still all questions were decided by plurality of voices, and he had no more than his single vote, like a private senator. Rome, next to her king, saw nothing so great and honourable as her senators; they were called fathers, (*Patres*) and their descendants *Patricians*, the origin of the first nobility among the Romans. They gave the senators this name of fathers, either upon account of their age, or the cares they underwent for their fellow-citizens. "Those who anciently composed the council of the republic, says Salust, had indeed bodies enfeebled by years, but their minds were strengthened by wisdom and experience." All civil and military dignities, those of the priesthood itself, belonged to the patricians, exclusive of the plebeians. The people indeed had private magistrates, that dispensed justice among them; but those magistrates received their orders from the senate, which was looked upon to be the supreme and living law of the state, the guardian and defender of their liberty.

The Romans, after having established their senate, made another draught out of each curia often horsemen†; these were called *Celeres*, either from their first captain, whose name was *Celer*, or else upon account of their celerity or swiftness, and because they seemed to fly to execute the orders they received; Romulus made these his guard. They fought indifferently on foot or on horseback, says Dionysius Halicarnassus, according to the occasion and disposition of the ground, not unlike our dragoons: The state found them a horse, from whence they were called *Equites*, and they were distinguished by a gold ring; but afterwards, when their number was increased, this military function be-

* Cat. Cons.

† Dion. l. 2.

came a mere title of honour, and the knights were no more bound to be soldiers than the other citizens. On the contrary, we shall see them take upon them to collect the tributes, under the name of *publicans*, and to farm the revenues of the commonwealth ; and though they were plebeians, they were a kind of middle order between the patricians and the people.

The third order of the state consisted of the plebeians. Of all the people in the world, the proudest of their origin, and the most jealous of their liberty, were the Roman populace. This last order though chiefly made up of shepherds and slaves, would have their share in the government as well as the two former. It was they that confirmed the laws, which had been digested by the king and senate* ; and themselves in their assemblies gave the orders which they themselves executed. Every thing relating to peace and war, the creation of magistrates, the election of the king himself depended upon their suffrages : The senate only reserved to themselves the power of approving or rejecting their schemes, which, without that restraint and the assistance of their wisdom, would often have been too precipitate and tumultuous.

Such was the fundamental constitution of this state, neither purely monarchical, nor entirely republican : The king, the senate, and the people, were in a sort of mutual dependance, from whence resulted a balance of authority which moderated that of the prince, and at the same time secured the power of the senate, and the liberty of the people.

Romulus, to prevent the divisions which the jealousy, so natural to mankind, might breed between citizens of one and the same republic, of whom some were raised to the degree of senators, and

* Dion. 1. 2.

others left in the order of the people, endeavoured to engage them one to another by reciprocal ties and obligations *. The plebeians were allowed to chuse patrons out of the body of the senate, that were obliged to assist them with their advice and credit; and they, on their parts, with the name of *clients*, adhered upon all occasions to the interest of their patrons. If the senator were not rich, his clients contributed towards the portions of his daughters, to the payment of his debts, or his ransom, if he happened to be taken prisoner in war: and they durst not refuse him their votes, if he stood for any public office. The patron and client were equally restrained from appearing in courts of justice, as evidence against each other. These mutual obligations came in time to be esteemed so sacred, that those who violated them were reckoned infamous; nay, and it was lawful to kill them, as men guilty of sacrilege.

These prudent regulations attracted new citizens to Rome from all parts. Romulus made them all soldiers, and already his state began to grow formidable to its neighbours: the Romans wanted nothing but wives to secure its duration; Romulus sent deputies to demand intermarriage with the Sabines and the neighbouring nations, and to propose a strict alliance between them and Rome. The Sabines possessed that part of Italy which lies between the Tiber, the Teveron, and the Apennine: they inhabited divers little towns, some of which were governed by petty princes, and others only by magistrates, by way of republic. But, though their particular governments were different, they were all united in a kind of league and community, which formed the several societies of that nation into one state. These people were the most warlike of any in Italy, and bordered nearest upon Rome. As

* Dion. I. 2.

they

they began to think Romulus's new settlement might grow dangerous, they rejected this proposal of the Romans; some of them added raillery to their denial, and asked their envoy, Why their prince did not open an asylum for wandering women, and slaves of that sex, as he had done for men *? That this would be their only way to make marriages, wherein neither party could upbraid the other.

Romulus heard not this sharp answer without the quickest resentment; he resolved to be revenged, and to take away the daughters of the Sabines by force. He communicated his design to the chief among the senate; and, as most of them were brought up in rapine, and were used to the maxim, that "whatever they could get by strength was their "own," they bestowed the highest praises upon a project so well fitted to their character †: All that was left to do, was to find a way to succeed in their enterprize; Romulus was of opinion, none would do better, than to celebrate solemn sports at Rome in honour of Neptune the creator of the horse: there was always somewhat of religion in those festivals, which were prepared by sacrifices, and never ended without several kinds of races, wrestling, and the like.

Those Sabines that lay nearest to Rome ran thither in great crowds, upon the day appointed for that solemnity, as Romulus foresaw they would. There came great number of Ceninenses, Crustuminians, Antemnates, with their wives and children. They were received by the Romans with great demonstrations of joy; every citizen had his guest, and, after having treated them the best they could, conducted and placed them conveniently, where they might see the sports: but, while the strangers were taken up with the spectacle, the Romans, by Romulus's order, rushed, sword in hand,

* Liv. I. 1. c. 9.

† Dion. I. 2.

into the assembly, took away all their daughters, and turned the fathers and mothers out of Rome; who complained in vain of this violation of hospitality. Their daughters at first shed floods of tears, but at last they suffered themselves to be comforted; time softened the aversion they had for their ravishers, who became their lawful husbands. Mean while this rape of the Sabines occasioned a war that lasted several years. The Ceninenses were the first that shewed their resentment; they entered the lands of the Romans in arms. Romulus immedately marched against them, killed their king or captain, called *Acron*, took their city, and obliged all the inhabitants to follow him to Rome, where he gave them the same rights and privileges as were enjoyed by the other citizens. He entered Rome, laden with the arms and spoils of the king, whom he had slain, whereof he made a kind of trophy, and consecrated it to Jupiter Feretrius, as a monument of his victory; the origin of the triumph among the Romans. The Antemnates and Crustuminians had no better fortune than the Ceninenses. They were

overcome; Antemnes and Crustumini
4th Year of nium were taken. Romulus would not
Rome. destroy them; but, the country being

fat and fruitful, he settled in it two colonies, which served for a kind of advanced guard on that side, against the incursions of his other enemies. Tatius, king of the Curetes in the country of the Sabines, was indeed the last that took arms; but he was not therefore the least formidable: he surprised the city of Rome by treachery, and penetrated to the very forum. Here there was a very obstinate and bloody fight, nor could it be foreseen which way the victory inclined, when the Sabine women, who were become the wives of the Romans, and who, most of them, had children by them already, threw themselves into the very midst of the combatants, and by their prayers and tears

suspended their animosity. An accommodation was agreed upon ; the two nations made peace, and, that the union might be the stricter, most of these Sabines, who before dwelt only about the country, or in small boroughs, came and settled at Rome. Thus they, who in the morning had conspired the destruction of that city, became, ere night, its citizens and defenders. Indeed it at first cost Romulus part of his sovereignty : he was obliged to admit Tatius into a share of it ; and 100 of the noblest of that people were at the same time brought into the senate. But Tatius being afterwards killed by private enemies, no body was appointed to succeed him : Romulus came again into the possession of all his rights, and the whole royal authority returned into his person.

7th. Year
of Rome.
747 before
Christ.

The Sabine senators, and all that had followed them, grew insensibly Romans. Rome began to be looked upon as the most powerful city in Italy; before the end of Romulus's reign, it contained 47,000 inhabitants, all soldiers, all inspired with the same spirit, and whose only view was to preserve their own liberty, and to make themselves masters of that of their neighbours. But this fierce enterprising temper made them less obedient to the commands of their prince ; and, on the other hand, the supreme authority, which often aims at nothing but its own augmentation, grew suspicious and odious in the founder of the state himself. Romulus, having conquered this part of the Sabines, reigned too imperiously over his subjects, a new people, who, though they were indeed willing to obey him, yet thought it reasonable, that he himself should submit to the laws, which had been agreed upon in the establishment of the state. That prince, on the contrary, assumed to himself alone the whole authority, which he ought to have shared with the senate and the assembly of the people. He made war

upon those of Camerinum, Fidena, and Veii, little towns comprised among the fifty three different people, which, Pliny * says, inhabited the ancient Latium, but so inconsiderable that they scarce had so much as a name, at the very time when they were in being, except Veii, which was a famous city in Tuscany †. Romulus subdued these people one after the other, took their towns, ruined some of them, took away part of the territory of others, and disposed of it according to his own pleasure. The senate was offended at it, and could not patiently bear, that the government should be turned into a direct monarchy. They rid themselves of a prince that grew too absolute. *Romulus, at fifty-five years of age, and after having reigned thirty-seven, disappeared ; nor was it ever discovered in what manner he was made away with.* The senate, unwilling to have it thought they were any ways concerned in it, raised altars to him after his death, and made a god of him that they could not endure for their sovereign.

The royal authority, by the death of Romulus, was lost in that of the senate. The senators agreed to divide it among themselves, and each with the title of *inter-rex* governed in his turn five days, and enjoyed all the honours of sovereignty ‡. This new form of government lasted a whole year, and the senate never thought of giving themselves a new master ||. But the people, who found that this *interregnum* only increased the number of their lords, loudly demanded to have it at an end : the senate were obliged at last to yield up an authority which they could hold no longer. They put it to the people, Whether they would proceed to the election of a

* Plin. l. 3 c. 5.

† Virg. Æn. 1. 6.

‡ Flav. Vopiscus, in Tacito Imp.
Put. in Numa Pomp.

|| Tit. L'v. l. 1. Dec. 1.

new king, or only chuse annual magistrates, that should have the government of the state? The people, out of respect and deference to the senate, left them the choice of those two sorts of government. Several senators, that had a relish for the pleasure of seeing no dignity in ~~some~~ some superior to their own, inclined to the republican state; but the chief of that body, who secretly aspired to the crown, got it determined by plurality of voices, That no alteration should be made in the form of government. It was resolved to proceed to the election of a king; and the senator, that during this *interregnum* had last performed the office of *inter-rex*, addressing himself to the people in full assembly, said to them: "Elect yourselves a king, O Romans; the senate give their consent; and, if you make choice of a prince worthy to succeed Romulus, the senate will confirm him in that supreme dignity." A general assembly of the whole Roman people was held for this important election. We believe it will not be unnecessary to observe here, that this name, *assembly of the people*, took in not only plebeians, but also the senators, knights, and all the Roman citizens in general that had right of suffrage, of all ranks and all conditions. They were the general states of the nation, and they were called *assemblies of the people*, because, the voices being reckoned by tale, the plebeians, alone more numerous than the two other orders of the state, generally had the decision of all affairs, which however, in those early times, was of no effect, but as their decrees were afterwards approved by the senate: such was then the form observed in elections: there were great contests about that of Romulus's successor. The senate consisted of old senators, and of the new ones that had been added to them in the reign of Tatius; this made two parties. The old ones demanded a Roman; the Sabines, who had been without any king of their own since Tatius, were for

having one of their own nation. At length, after great disputes, they agreed, that the old senators should name the king of Rome, but that they should be obliged to chuse him from among the Sabines. Their choice fell upon a *Sabine* of the town of Cures, but who commonly dwelt in the country. His name was Numa Pompilius, a man of virtue, wisdom, moderation, and equity, but no great soldier * ; so that not being able to get any reputation by his courage, he sought to distinguish himself by the virtues of peace. He laboured, during his whole reign, with the opportunity of a long cessation from war, to turn the minds of the Romans to religion, and to inspire them with a great fear of the gods.

He built new temples; he instituted festivals; and, as the answers of oracles, and the predictions of the augurs and aruspices, made the whole religion of that rough people, he found it no hard matter to persuade them, that the same deities, which foretold what would happen, whether happy or unhappy, might as well cause the happiness or unhappiness they foretold: a veneration for those superior beings, who were so much the more awful as they were less known, was the consequence of these prejudices. Rome insensibly grew full of superstitions; the state made them part of their polity, and employed them, with success, to keep within the bounds of submission a people yet fierce and unpolished. It now became unlawful to undertake any thing that concerned the state, without consulting those false deities; and Numa, to give authority to those pious institutions, and gain himself the respect of the people, pretended to have received them from a nymph called Egeria, who, he said, had revealed to him the manner in which the gods delighted to be served.

81st Year of Rome.

His death, after a reign of 43 years, left

* Livy. Dion. Hal. Plut.

the crown to Tullus Hostilius, whom the Romans chose for the third king of Rome. He was a prince ambitious, bold, enterprising, a greater lover of war than of peace, and who, upon Romulus's plan, resolved to preserve his state only by new conquests.

If the peaceful conduct of Numa was serviceable to the Romans, in softening the rugged savageness of their manners, the bold undertaking character of Tullus was no less necessary in a state founded by violence and force, and surrounded by neighbours jealous of its establishment. The people of the city of Alba shewed the greatest animosity, though most of the Romans were originally derived from them; and Alba was looked upon as the metropolis of all Latium. Divers causes of mutual complaint, very common between neighbouring states, kindled the war; or, to speak more properly, ambition only, and a spirit of conquest, pushed them on to arms. The Romans and Albans took the field. As they were near neighbours, the two armies were not long before they met. It was now no secret that they were going to fight for empire and for liberty. As they were just ready to engage, the general of Alba, whether he feared the success of the battle, or whether he was desirous only to spare the effusion of blood, proposed to the king of Rome to refer the destiny of both nations to three combatants of each side, and that empire should be the prize of the conquering party. The proposal was accepted; the Romans and Albans named three champions each; every body sees I speak of the Horatii and the Curiatii. I shall not enter into the particulars of this combat; the three Curiatii and two of the Horatii fell in this celebrated duel *, and Rome triumphed through the courage and skill of the sur-

* Dion. Hal. l. 3. Liv. Dec. 1. l. 1. c. 25.

87th Year of Rome. surviving Horatius. The Roman, returning into the city laden with the arms and spoils of his enemies, met his sister, who was to have been married to one of the Curiatii. Seeing her brother dressed in her lover's coat of armour which she herself had wrought, she could not contain her grief; she shed a flood of tears, she tore her hair, and, in the transports of her sorrow, uttered the most violent imprecations against her brother.

Horatius, warm with his victory, and enraged at the grief which his sister expressed with such passion in the midst of the public joy, in the heat of his anger ran his sword through her body: "Be gone to thy lover," says he, "and carry him that degenerate passion, which makes thee prefer a dead enemy to the glory of thy country." Every body detested an action so cruel and inhuman. The murderer was immediately seized and dragged before the duumviri, the proper judges of such crimes; Horatius was condemned to lose his life, and the very day of his triumph had been that of his punishment, if he had not, by the advice of Tullus Hostilius appealed from that judgment to the assembly of the people. He appeared there with the same courage and resolution that he had shewn in his combat with the Curiatii. The people thought so great a service might justly excuse them, if for once they moderated the rigour of the law: Horatius was acquitted, rather, says Livy *, through admiration of his courage, than for the justice of his cause. We related this event only to prove, by the advice which the king of Rome gave to Horatius, to appeal to the people, that the authority of that assembly was superior to the prince, and that, in the concurrence of the king and the several orders of the state, lay the true sovereignty of that nation.

* Cicero pro Milone.

The affair of Horatius being ended, the king of Rome turned his thoughts upon making his authority acknowledged in the city of Alba, according to the conditions of the combat, which adjudged the empire and dominion to the conquerors. That prince, in the spirit and maxims of Romulus, destroyed the city, and removed the inhabitants to Rome * : there they received the privileges of citizens, and the principal of them were admitted into the very senate : Such were the Julii, the Servilii, the Quintii, the Gegani, the Curiatii, and the Clelii, whose descendants afterwards rose to the chief offices of the state, and performed very great services for that commonwealth, as we shall see hereafter. Tullus Hostilius, having strengthened Rome by this addition of inhabitants, turned his arms against the Sabines.

The particulars of that war are not to my subject ; I shall only say, that this prince, after having gained various advantages over the enemies of Rome, died in the thirty second year of his reign ; Ancus Martius, grandson of Numa, was elected, in the room of Hostilius, by the assembly of the people, and the senate afterwards confirmed this new election.

As this prince derived all his glory from his grandfather, he applied himself to imitate his pacific virtues, and his respect for religion †. He instituted several sacred ceremonies, that were always to precede declarations of war ; but these pious regulations, which were better proofs of his justice than of his valour, made him contemptible among the neighbouring nations. Rome quickly saw her frontiers laid waste by the incursions of the Latins,

* Dion. l. 3.

† Dion. l. 3.

and

87th Year
of Rome.

Year of Rome
113.

Year of Rome
114.

and Ancus found, by his own experience, that a throne requires other virtues than piety. Nevertheless, to keep still up to his character, before he took arms, he sent to the enemy a herald, called by the Romans *Facialis*; this herald bore a spear headed with steel, as the badge of his commission. Being come to the frontiers, he cried with a loud voice *, "Hear, Jupiter, and thou Juno, hear "Quirinus, hear ye gods of heaven, of earth, "and of hell, I call ye to witness that the Latin "nation is unjust: and as that nation has injured "the Roman people, the Roman people and I, "with the consent of the senate, declare war against "them."

We see by this form of words, preserved by Livy, that the name of the king was not so much as mentioned, and that all was done in the name and by the authority of the people, that is to say, of the whole body of the nation.

This war was no less successful than it was just; Ancus defeated the enemy, ruined their towns, removed the inhabitants to Rome, and added their territory to the dominions of that city.

Tarquin the First, or the Ancient, though a stranger, after the death of Ancus, came *Year of Rome* 138. to the crown, which he purchased by the generous assistance he had formerly given to the chief among the people †. It was to keep their affection, and to reward his creatures, that he brought a hundred of them into the senate; but that he might not confound the different orders of the state, he made them patricians, according to Dionysius of Halicarnassus, before he raised them to the dignity of senators who were now increased to the number of three hundred; at which they stayed for several ages ‡. It will per-

* Liv. Dec. 1. l. 1. c. 24. Cie. l. 2. De leg. A. Gel. l. 16. c 4.
† Dion. Hal. l. 3. ‡ Dion. Hal. l. 3. p. 199. Aur. de viris illustribus.

haps seem strange, that in a state governed by a king assisted by a senate, all laws, decrees, and the result of all deliberations should constantly pass in the name of the people; without the least mention of the prince that reigned; but we are to remember, that this generous people had reserved the greatest share of the goverment to themselves. No resolution was taken, either for peace or war, but in their assemblies; they were in those times called assemblies by curiae: because they were to consist only of the inhabitants of Rome, divided into thirty curiae: In these they chose their kings, their magistrates, and their priests; made laws, and administered justice. It was the king, with the consent of the senate, that convened these assemblies, and by a *senatus-consultum* fixed the day when they should be held, and the matters which should be debated in them. A second *senatus consultum* was required to confirm what they had decreed; the prince or chief magistrate presided at these assemblies, which were always preceded by auspices and sacrifices, whereof the patricians were the sole ministers.

But nevertheless, as all was decided in these assemblies by plurality of voices, and the votes were counted by tale, the plebeians always carried it against the senate and patricians; so that they had a much greater share in all decrees than the senate and nobles.

Servius Tullius, sixth king of Rome, a prince entirely republican, notwithstanding his dignity, but who could not bear to see the government depend thus upon the dregs of the people, resolving to transfer all the authority into the body of the nobility and patricians *; where he hoped to meet with juster views, and less passion. The enterprize was attend-

*Year of
Rome*

175.

* Dion. Hal. l. 3. Liv. Dec. 1. l. 1. c. 43.

ed with very great difficulties ; he had to do with the people of the world the most haughty, and most jealous of their rights : and to bring them to remit part, he must deceive them with the bait of some advantage more considerable. The Romans, in those times, paid certain imposts by head into the public treasury ; and as at the beginning every man's fortune was much upon an equality, they had all been subjected to the same tribute, which they continued to pay upon the same equality, tho' sucession of time had made great difference between the estates of some and of others.

Servius, to blind the people, and to know the strength of his state, represented in an assembly, that the number of the inhabitants of Rome and their riches being considerably increased by the multitude of strangers that had settled in the city, he did not think it just that a poor citizen should contribute to the public expence as much as the richest ; that those impositions ought to be proportioned to every man's ability ; but that, in order to get an exact knowledge of this particular, all the citizens, upon the greatest penalties, should be obliged to give in a faithful account of what they were worth, to serve as a rule to the commissioners which the assembly of the people should appoint to settle this proportion.

The people, who saw in this proposal nothing but their own ease, received it with great applause ; and the whole assembly, with unanimous consent, gave the king power to establish in the government whatever order he should think most agreeable to the good of the public. That prince, to effect his purpose, first divided all the inhabitants of the city, without distinction of birth or rank, into four tribes, called the *tribes of the city*. He disposed into six and twenty other tribes the citizens that dwelt in the country and territory of Rome. He then instituted the *census*, which was nothing more than

than a list or roll of all the Roman citizens, containing their age, substance, profession, the name of their tribe and curia, and the number of their children and slaves. There was found to be then in Rome and its territory, above fourscore thousand citizens able to bear arms*.

Servius divided this great number into six classes, composing each class of divers centuries of foot. He put into the first class fourscore centuries, into which he admitted none but senators, patricians, or men remarkable for their wealth †; and each was to be worth at least a hundred minæ, or ten thousand drachmæ; which in those days might amount to somewhat more than a thousand crowns of our money; in which however I dare not be too positive, because of the difference of opinions among the learned, about the value and variation of their coins. We are not more certain whether each century of this first class consisted of a hundred effective men: On the contrary, there is ground to believe that Servius, in the view of multiplying the suffrages of the patricians, increased the number of their centuries; and he concealed this secret design, under this specious pretence, that the patricians being richer than the plebeians, one century made up of a small number of that order ought to contribute as much to the charges of the state, as a compleat century of plebeians.

These fourscore companies of the first class were divided into two orders. The first consisting of the most ancient, all above forty-five years old, were allotted for the guard and defence of the city; and the other forty companies, made up of those from seventeen to five and forty, were to march into the field, and go to war. They had all the same arms offensive and defensive: the offensive were the javelin, the pike or halberd, and the sword; and

* Fabius Pictor.
1. 3. c. 35.

† Dion. I. 3. Liv. Dec. 1. l. 1. Plin.

their

their defensive arms were the head-piece, the cuirass, and the cuisses of brass.

They disposed likewise under this first class all the cavalry, whereof they made eighteen centuries, consisting of the richest and chief men of the city. To these were added two other centuries of artificers, who followed the camp unarmed; and whose business was to prepare and manage the machines of war.

The second class consisted but of twenty centuries, of those that were worth at least threescore and fifteen minæ, that is to say, somewhat more than two thousand livres. They used much the same arms as the citizens of the first class, and were distinguished only by the difference of their shield.

There was, in like manner, but twenty centuries in the third class, and a man was required to have fifty minæ, that is to say, somewhat more than five hundred French crowns, to be admitted into it.

The fourth class was composed of the same number of centuries as the two former; and those that were placed in this class were to be worth at least twenty-five minæ, or about seven hundred and fifty livres.

There were thirty centuries in the fifth class, in which were placed all those that had at least twelve minæ and an half, or somewhat more than three hundred livres. Their only arms were slings, and generally they fought out of rank, and upon the wings of the army.

The sixth class had but one century, which indeed could not so properly be called a century, as a confused multitude of poor citizens*. They were called *Proletarii*, as being no otherways useful to the republic, than by stocking it with children; or *empts*, because they were excused from going to war and paying taxes.

* A. Gall. l. 16. c. 10.

Under the second class, as we said before *, were comprised two centuries of carpenters and artificers of warlike machines, and there were two others of trumpeters joined to the fourth class. All these classes were divided like the first, into the old men, who stayed at home for the defence of the city; and the young men, who formed the legions that were to march into the field. These made in all, one hundred fourscore and thirteen centuries, each commanded by a centurion of distinguished experience and valour.

Servius having established this distinction among the citizens of the same republic, ordained that the people should be assembled by centuries, whenever there was occasion to elect magistrates, make laws, declare war, examine into crimes committed against the common-wealth, or against the privileges of any order. The assembly was to be held out of the city, in the field of Mars. It belonged to the sovereign or prime magistrate to call these assemblies, as well as the curiae; and all deliberations were here too preceded by auspices, which gave great authority to the prince and patricians, who were vested with the chief offices of the priesthood. It was farther agreed, that the votes should be gathered by centuries, whereas before they were reckoned by tale; and that the fourscore and eighteen centuries of the first class should give their votes first. Servius, by this regulation, artfully conveyed the whole authority of the government into this body, made up of the great men of Rome; and without openly depriving the plebeians of their right of suffrage, he, by this division, made it of no use to them. For, the whole nation consisting but of one hundred fourscore and thirteen centuries, and fourscore and eighteen of these being in the first class; if there were but fourscore and seventeen of

* Dion. l. 4.

the same opinion *, that is to say, one above half of the hundred fourscore and thirteen, the affair was concluded : And then the first class, composed, as we said before, of the chief men in Rome, had alone the making of all public decrees : But if any voices were wanting, and some centuries of the first class were not of the same opinion with the rest, then they called in the second class, and when these two classes were of the same mind, it was utterly unnecessary to proceed to the third. Thus the common people had not the least power when the votes were gathered by centuries, whereas, when they were taken by curiae, the voices being reckoned by their number, the meanest plebeian had as much weight as the greatest senator : After this the assemblies by curiae were only held for the election of the flamens, that is to say, the priests of Jupiter, Mars, and Romulus, and to chuse the chief curio, and some under magistrates; which we shall speak of in their proper place. We were so particular in our account of this new plan of government, only because, without the knowledge of this, it would be difficult to understand what we shall hereafter relate, of the contests which arose between the senate and the people, concerning the government.

The royalty, after this establishment, appeared to Servius to be a dignity intirely impertinent and unnecessary in a state almost republican. It is said, that to compleat his work, and to restore the Romans to full possession of their liberty, he had generously resolved to abdicate the throne, and to make the government a perfect commonwealth, under the direction of two annual magistrates, who should be elected in a general assembly of the Roman people †. But this heroic design was frustrated by the ambition of Tarquin the Proud, Ser-

* Dion. Hal. l. 4.

† Id. Ibid.

vius's son-in-law, who being impatient to reign, caused his king and his father-in-law to be assassinated. He at the same time took possession of the throne, without so much as the form of an election, without consulting either senate or people; and as if the supreme power had been his hereditary right, or a conquest which he had won by his courage and valour.

An action so inhuman, made him be looked upon with horror by all good men. His ambition and cruelty were equally detested; at once a parricide and a tyrant, he had robbed both his father-in-law of life, and his country of liberty: and as he had ascended the throne by this double crime, he maintained himself in it by fresh violences. He nevertheless behaved himself at first in his tyranny with a great deal of cunning; he secured the army, which he looked upon to be the firmest support of his power: haughty and cruel in Rome, and to those who were powerful enough to oppose his designs; but mild, humane, and even familiar in his army and with the soldiers. He rewarded them magnificently*, and more than once gave them the towns of the enemy for plunder. He seemed to make war only to enrich them, whether he feared their strength, if suffered to keep together at home, or whether he did it to gain from them the more affection to his person and interests. He beautified the city with several public edifices; and as his workmen were digging the foundation of a temple, they found, deep in the earth, a man's head still covered with flesh, which had remained without corruption; this gave the name of *Capitol* to that temple, and the diviners and augurs, who drew advantageous consequences from the least events,

* Dion. Hal. l. 4.

hence took occasion to declare, that Rome should one day be mistress of the world, and the capital of the universe.

Tarquin himself oversaw all these works, constantly attended by a band of soldiers, that served for guards and spies at the same time. These slaves of the tyrant, being dispersed into different parts of the city, carefully watched if any secret conspiracy were forming against him. The slightest suspicion was punished with death, or at least with exile. Several of the chief senators of Rome were made away with by private orders, for no other crime, than having dared to bewail the misery of their country. He spared not Marcus Junius himself, who had married a Tarquinia, daughter of Tarquin the Ancient, but whom he suspected upon account of his riches. He had him put to death, and used the same cruelty towards the eldest son of that illustrious Roman, for fear of his courage and resentment. Lucius Junius, another of Marcus's sons, had shared the same fate, if to avoid the barbarity of the tyrant, he had not pretended to be a natural, and to have lost his senses; which made people, in contempt, give him the name of Brutus, which he afterwards made so famous; as we shall quickly shew. The other senators, uncertain of their destiny, remained concealed in their houses *; the tyrant consulted none of them, the senate was never convened, there was never any assembly of the people: a cruel and despotic power was raised upon the ruins of the laws and of liberty. The several orders of the state, all equally oppressed, impatiently waited for some revolution, without knowing how to hope it, when the lust of Sextus the son of Tarquin, and the violent death of the chaste Lucretia, threw into

* Liv. Dec. 1. l. 1. c. 56. Ovid. 1. Fastor.

action the general hatred which all the Romans had against the king, and against monarchy itself.

There is nobody ignorant of this tragical story; we shall only take notice, for the clearing up of what follows, that this virtuous lady, not being able to endure the thoughts of life after the violence she had received, sent for her husband, her father, her relations, and the chief friends of her family, of whom she demanded revenge; at the same time she plunged a dagger into her breast, and fell dead at the feet of her father and husband. All that were present at this melancholy sight, uttered bitter cries: but while they gave themselves up to their sorrow, Lucius Junius, better known by the name of Brutus, which had been given him upon account of the stupid air he put on, as it were letting fall the mask, and shewing himself in his true shape: "Yes, says he, (taking up the dagger with which Lucretia had killed herself) I here swear to take a severe revenge for the injury that has been done her: and I call you to witness, all-powerful gods, that I will expose my life, and lose the last drop of my blood, to exterminate the Tarquins, and to hinder any of that family, or any other man whatsoever, from ever reigning in Rome."

He then put the dagger into the hands of Collatinus, Lucretius, Valerius, and all there present) from whom he exacted the same oath. This oath was a signal for a general revolt: The sudden change that had seemingly been made in the mind of Brutus was probably looked upon by the people to be a kind of prodigy, and a plain proof that heaven interposed in Lucretia's revenge. Compassion of the fate of that unfortunate lady, and aversion to tyrants, made the people take arms: the army, moved with the same sentiments, revolted too: and by a public decree, the Tarquins were banished from Rome. The senate, to engage the people

further in this revolution, and make their quarrel with the Tarqins the more irreconcileable, suffered them to plunder the palace. The abuse those princes had made of the sovereign power, caused the abolition of monarchy itself. They devoted to the gods of hell and condemned to the severest punishments, those that should ever attempt

From the foundation of Rome, 244 years compleat. to restore the royalty. The republican state succeeded to the monarchic, the senate and nobility made their advantage of the wrecks of the royalty, and possessed themselves of all its rights *; Rome became partly an aristocracy, that is to say, the nobility got

into their own hands the greatest part of the sovereign authority. Instead of a perpetual prince, they chose for the government of the state two yearly magistrates, taken from the body of the senate, to whom they gave the modest title of *consuls*, to put them in mind, that they were not to much the sovereigns of the republic, as her counsellors, and that their only object ought to be her preservation and glory.

Brutus, the restorer of liberty, was chosen for the first consul; and Collatinus, the husband of Lucretia, was made his colleague, because it was likely he would be more zealous to revenge the outrage which had been done her, than any other man.

But this growing republic was upon the brink of being destroyed at its very beginning. A party was formed in Rome in favour of Tarquin; some young noblemen, of the best quality in the city, brought up at court, and accustomed to licentiousness and pleasure, undertook to re-establish that prince. The austere form of a republican go-

* Cic. 1. 3. de leg. Dion. H. 1. 5. Liv Dec. 1. 1. 2. Cic. Or. pro Sextio. Idem de leg. 1. 3. Val. Max. 1. 4. c. 1.

vernment,

vernment, in which the laws alone, always inexorable, have a right to reign, gave them greater apprehensions than tyranny itself: being always used to the flattering distinctions of the court, they could not bear that mortifying equality, which set them upon a level with the multitude. This party spread farther and farther every day, and which is most surprising, the sons of Brutus himself, and the Aquilii, the nephews of Collatinus, were found to be at the head of the malecontents. But before the conspiracy broke out, they were all discovered, and their ill designs prevented. Brutus, both the father and judge of the criminals, plainly saw he could not save his children without giving encouragement to new conspiracies, and being guilty himself of opening the gates of Rome to Tarquin *. Thus preferring his country to his family, and without hearkening to the voice of nature, he caused his two sons to be beheaded in his own presence, as traitors. The people admired the mournful constancy with which he had himself presided at the execution. His authority grew the greater for this action; and after such a severe punishment of the consul's two sons, not a single Roman durst so much as think of bringing back Tarquin. Collatinus, Brutus's colleague, by a contrary behaviour, and for endeavouring to save his nephews, made himself suspicious, and was deposed from the consulship. The people jealous, and almost furious in the defence of their liberty, banished him from Rome; they durst not confide in the shew of hatred which that Roman expressed against Tarquin †. They feared, with some reason, that being a relation of that prince's, he might have his lust of dominion in him, and be more an enemy to the king, than to the kingship ‡. Publius Vale-

* D. H. l. 5.

† Cic. l. 3. Offic.

‡ Liv. Dec. 1, l. 2. c. 2. D. H. l. 5.

rius was chosen in his place, and Tarquin having now no farther hopes from his party in Rome, undertook to restore himself by open force. The Romans still opposed it with an invincible constancy; it came to a war, and in the first battle that was fought near the city against the Tarquins, Brutus and Aronées the eldest son of Tarquin killed each other with their lances; thus the two first consuls of the republic did not finish their year of consulship. Valerius continued alone in that supreme dignity, which made the people apprehensive that he intended to reign singly †. A house which he built upon an eminence added to this suspicion; his enemies and his enviers gave out, that it was a citadel, which he built for the seat of his tyranny. But that great man disappointed the malice of these reports, and quite dissipated them by the moderation and wisdom of his conduct. He himself pulled down the house, which gave occasion of jealousy to his fellow-citizens, and the consul of the Romans was forced to hire a house to live in. Before he gave himself a colleague, and while the whole authority was in his own hands, he by one single law, in favour of the people, changed the whole form of the government; and whereas under the kings, the plebiscita, or decrees of the people, had not the force of laws any farther than they were confirmed by a senatus consultum, Valerius published a law which ordained the direct contrary, giving permission to appeal to the assemblies of the people, from the judgment of the consuls: by this new law he extended the privileges of the people; and the consular power was weakened in its very beginning.

He at the same time ordained that the axes should be separated from the fasces which the lictors carried before the chief consul; to shew

† Id. ibid.

that

that that magistrate had not the right of the sword, the symbol of the sovereign authority * : and in an assembly of the people, the multitude observed with pleasure that he had caused the fasces of his lictors to be bowed down, as a silent homage which he paid to the sovereignty of the Roman people : and to remove all manner of suspicion of his having the least thoughts of tyranny, he published another decree, making it lawful to kill, without any preceding formality, the man that should aim at being master of the liberty of his fellow-citizens. This law contained that the assassin should be declared innocent, provided he brought proof of the ill designs of him he had slain. It was upon the same principle of moderation, that he would not take upon him the keeping of the public money raised to defray the charges of the war † ; it was deposited in the temple of Saturn, and the people, by his advice, elected two senators, afterwards called questors, who were to have the care of the public treasure. He then declared Lucretius, father of Lucretia, for his colleague in the consulship ; nay, and yielded to him, upon account of his seniority of years, the honour of the fasces ; and all the other marks of the sovereign power.

A conduct so full of moderation, and laws so favourable to the people ; got a patrician the name of *publicola* or popular ; and it was not so much to deserve that title, as to bind the people the more strictly to the defence of the public liberty, that he abated of his authority by these various regulations.

The senate inspired with the same spirit, and convinced of what consequence it was to themselves to make it the people's interest to maintain the commonwealth, took great care of their

* Plut. in Poplic.

† Publius Veturius, Minutius Marcus. Ulpian. Digest. l. i. Tit. 13. Tacit. l. II.

subsistence during the war and the siege of Rome.

Year of They sent to several parts of Campania,

Rome and even to Cumæ to fetch corn, which

245. they distributed to the people at low

rates, for fear if they wanted bread, they

might be temped to purchase it with the

loss of the common liberty, and open the gates of

Rome to Tarquin.

The senate would not so much as lay any impost

upon the people during the war. Those wise sena-

tors taxed themselves higher than the rest, and we

owe to that illustrious company this generous and

equitable maxim, "That the people paid tribute

"enough to the commonwealth in raising chil-

"dren who would in time be able to defend it."

But this just condescension to the necessities of the people lasted no longer than the siege of Rome, and the fear of Tarquin's arms. Scarce did the fortune of the republic seem secured by the raising of this siege, but the ambition of the patricians broke out; and the senate quickly made it plain, that by substituting two consuls drawn from their body, in the room of the prince, the people had only changed their masters, the same authority still continuing though the name was altered.

The royalty was indeed abolished, but the spirit of royalty was not extinguished; it was entered into the patricians. The senate, delivered from the awe of the royal power, was for bringing into its own body the whole authority of the government. In possessing the civil and military dignities which were appropriated to that order, they enjoyed all the power and riches which are the effects of them: and the chief object of their politics was still to keep the people in subjection and indigence.

This people, whose votes were so courted in the elections and public assemblies, fell into contempt out of the comitia. The multitude in a body was used with great respect, but the particular plebeian

was

was hardly regarded ; none were ever admitted into the alliance of the patricians. Poverty soon reduced the people to a necessity of borrowing, which threw them into a slavish dependence upon the rich ; afterwards came usury, a remedy yet more intolerable than the distemper ; and at last birth, dignities and wealth set too great an inequality between the citizens of one and the same republic.

The views of these two orders quickly became opposite : The patrician abounding in valour, and accustomed to command, was always for making war, and sought nothing but to extend the power of the commonwealth abroad ; but the people desired to see Rome free at home, and complained that while they ventured their lives to subdue the neighbouring nations, they themselves, at their return from the campaign, often fell into the chains of their own fellow-citizen, through the ambition and avarice of the great. We shall enter somewhat farther into this point, as being the ground of the revolutions we are to speak of.

Of all the means which the calls of nature have put men upon inventing for subsistence, the Romans practised only tillage and war ; they lived upon their own crops, or upon the harvest they reaped sword in hand in the territories of their enemies. All the mechanic arts that were not subservient to these two professions, were unknown at Rome or left to slaves and strangers *. Generally speaking all the Romans, from the senator to the meanest plebeian, were labourers, and all the labours were soldiers. And we shall see in the course of this history, that they called their greatest captains from the plough, to command their armies. All the Romans, the very greatest in the republic, inured their children to

* D. H. l. 2. Plut. in Rom.

these employments, and bred them up in a hard and laborious way of life, to make them the more robust and the more capable of sustaining the fatigues of war.

This domestic discipline had its rise from the poverty of the first Romans : They afterwards made a virtue of what was the mere effect of necessity, and men of courage looked upon this equal poverty of all the citizens, as the means to preserve their liberty from all usurpation. Each citizen had at first for his subsistence but two acres of land, as we said before ; Rome afterwards extended its territory by little and little, by the conquest of their neighbours. They usually sold one moiety of the lands they conquered, to reimburse the state for the charges of the war, and the other moiety was added to the public domain, which was afterwards either given or let at a small rent to the poorer sort to help to maintain them : Such was the ancient custom of Rome; under her kings, that is to say, for above two hundred years. But after the extinction of monarchy, the nobles and patricians, who looked upon themselves to be the only sovereigns of the republic, did, under various pretences, appropriate to themselves the best part of those conquered lands, if they lay near their own estates, or were any other ways convenient for them ; thus enlarging their own revenues to the diminution of those of the republic : Or else under borrowed names, they caused those portions which were allotted for the subsistence of the poor citizens, to be adjudged to themselves at inconsiderable rents. They afterwards layed them into their other lands, without distinction ; and a few years possession, and their own great credit, covered these usurpations. The state lost her revenue, and the soldier, after having spent his blood to enlarge the bounds of the republic, saw himself deprived of the small por-

tion of land that ought to have been at once his pay and his reward.

The covetousness of some patricians was not confined to these usurpations only; but when the harvest fell short by the badness of the year, or by the irruptions of enemies, they knew how by an ill-meant relief to make themselves a title to their neighbour's field. The soldier who then was without pay being entirely destitute, was forced for his subsistence to have recourse to the rich. They lent him no money but at exorbitant usury, and that usury too was in those days arbitrary, if you will believe Tacitus *. The debtor must engage his little inheritance, and this cruel assistance often cost him his liberty. The laws of those times allowed the creditor, upon default of payment, to seize his debtor, and carry him to his own house, where he was treated like a slave. Both principal and interest was often exacted with stripes and torments; his land was taken from him by accumulated usury: and under pretence of the observation of the laws and strict justice, the people daily suffered the utmost wrong.

A government so severe in a new republic, quickly raised a general discontent. The plebeians, who were oppress'd with debts, and were afraid of being arrested by their creditors, applied to their patrons, and the most disinterested among the senators. They represented to them their extreme want, the difficulty they had to bring up their children, and told them, that after having fought against the Tarquins for the defence of the public liberty, they were left exposed to become the slaves of their own fellow-citizens.

These complaints were followed by secret menaces, and the plebeians finding no redress of their

* Tac. Ann. l. 6. ad ann. 786.

grievances, at length broke out under the consulate of T. Largius and Q. Clelius.

Rome, as we said before, was surrounded by a great many petty states, who were uneasy

Year of and jealous of the increase of her power.

Rome The Latins, the *Aequi*, the *Sabines*, the

255. Volsci, the Hernici, and the Veintes,

sometimes jointly, and sometimes separately, were almost continually making war upon her. It was perhaps to the enmity of these neighbours that the Romans owed that valour and that military discipline which afterwards made them masters of the universe.

Tarquin was still living : He had secretly formed a strong league against the Romans ; thirty Latin cities entered into the design of restoring him. The Hernici and the Volsci favoured the undertaking : The people of Etruria alone were for seeing the business a little more ripe before they declared themselves ; and remained neuter, with intent to take their party according to the success.

The consuls and senate beheld, not without uneasiness, so general a conspiracy against the commonwealth ; they immediately thought of putting themselves into a posture of defence. As Rome had no soldiers but her own citizens, it was necessary to make the people take arms ; but the poorer sort, and especially those that were deep in debt, declared, that it was their business who enjoyed the dignities and riches of the republic, to defend it ; that for their parts, they were grown weary of exposing their lives every day for masters so cruel and insatiable. They refused to give their names, as was usual, in order to be listed in the legions ; the hottest of them said boldly, that they were no more tied to their country, where not an inch of land was left them in property, than to any other climate, though never so strange ; that at least there

they

they should find no creditors ; that there was no way but leaving Rome to free themselves from their tyranny, and they openly threatened to abandon the city, unless all debts were abolished by a *senatus-consultum*.

The senate, very much disturbed at a disobedience so little different from a barefaced rebellion, immediately assembled * : Several opinions were given. The more moderate senators were for relieving the people. M. Valerius, the brother of Publicola, and who after his example affected popularity, represented that most of the poor plebeians had been forced to contract debts only by the misfortunes of war ; that if in such a conjuncture as this, when a great part of Italy had declared in favour of Tarquin, they did not redress the grievances of the people, it was to be feared despair might drive them into the tyrant's party, and that the senate, by stretching their authority too far, might lose it all in the restoration of the royalty. Several senators, and especially those that had no debtors, were of his opinion ; but it was rejected with indignation by the richer sort †. Appius Claudius opposed it also, but with different views. That senator, austere in his manners, and a severe observer of the laws, maintained, that no alteration could be made in them, without endangering the republic. Though he was compassionate of the people, some of whom he daily relieved out of his own estate, he nevertheless declared in full senate, that they could not with justice refuse the authority of the laws to such creditors as would prosecute their debtors with rigour.

But before we enter into a more particular discussion of this affair, perhaps it may not be improper to give a thorough knowledge of a patrician, who by himself and descendants had so great a share

* D. H. l. 5.

† Id. Ibid.

40. *The History of the Revolutions.* Book I.
in the several commotions which afterwards agitated the commonwealth.

Appius Clausus, or Claudius, was a Sabin by birth, and one of the chief of the city ^{Year of Rome} Regillum. Some civil dissentions, in which his party proved the weakest, obliged him to leave it. He retired to Rome, which offered an asylum to all strangers. He was followed by his family and partizans, whom Velleius Paterculus makes to have been five thousand.

The right of citizens was granted them, with lands to inhabit, situated upon the river Teveron : This was the origin of the Claudian tribe. Appius, who was the head of it, was received into the senate, where he soon distinguished himself by the wisdom of his councils, and especially by his immoveable firmness. He loudly opposed the advice of Valerius, as we said before *, and represented in full senate, that justice being the surest support of a state, there was no abolishing the debts of particular persons, without ruining the public faith, the only bond of society among men. That the people themselves, in whose favour this unjust decree was proposed, would be the first sufferers by it; that in any new necessity the rich would shut their purses ; that the discontent of the great was no less to be feared than the murmurs of the people, and that perhaps they would not easily bear the annulling of contracts, which were the fruit of their temperance and œconomy. He added, that no body could be ignorant that Rome at the beginning assigned no greater portions of land to the nobles and patricians than to the plebeians. That these latter had but lately shared the estate of the Tarquins ; that they had often got considerable booty in war, and that if they had squandered it all away

* D. H. 1. 5.

in debauchery, there was no reason why they should be reimbursed at the expence of those who had lived with more prudence and good management; that after all, they should consider the mutineers, and those who made the most noise, were plebeians of the very lowest classes, and who in battle were usually placed only on the wings or in the rear of the legions; that most of them were armed with nothing but slings; that there was neither great service to be expected, nor great danger to be feared from such soldiers; that the republic would have no great loss of people that were of no use but to fill up a number; and that to despise the sedition was sufficient to break it, and to make the authors submit themselves humbly to the clemency of the senate.

Some senators, who were for finding a medium between two opinions that were so very opposite, proposed that the creditors at least might have no power over the persons of their debtors. Others were for acquitting the debts of those only who were notoriously unable to pay them; and there were some, who to satisfy the public faith, proposed to pay the creditors out of the public treasury. The senate accepted of none of these schemes: they resolved not to offer any violation to such solemn acts as contracts; but, in order to pacify the people, and engage them to take arms in defence of the state, they passed a *senatus-consultum*, which granted a suspension of all debts till the end of the war.

This condescension of the senate was an effect of the approach of the enemy, who advanced towards Rome. But a great many of the plebeians, grown bolder for the same reason, declared, that they would either have an absolute abolition of all debts, or leave it to the rich and great to take care of the war, and defend a city in whose safety they thought themselves no longer concerned, and which indeed

they were ready to leave. The resolution they shewed gained them companions. The number of the malecontents increased daily; nay and many among the people, who had neither debts nor creditors, could not help complaining of the severity of the senate, either through compassion for those of their own order, or out of that secret aversion which all men naturally have to dominion.

Though the wisest and richest of the plebeians, and especially the clients of the nobles, had no part in the sedition, yet the separation which the malecontents threatened, and their obstinate refusal of taking arms, were of dangerous example, especially at a time when most of the Latins, commanded by the sons and son-in-law of Tarquin, were at the gates of Rome. The senate might indeed have prosecuted the most mutinous and the leaders of the sedition; but the *lex Valeria*, which allowed appeals to the assembly of the people, was a shelter for the seditious, who were sure of being acquitted by the accomplices of their rebellion.

The senate, to elude the effect of a privilege so derogatory to their power, resolved to create one supreme magistrate, that should be equally above the senate itself and the assembly of the people and be endowed with absolute authority. To obtain the consent of the people, they represented to them in a public assembly, that upon this emergency, in which they had their domestic quarrels to decide, and the enemy to repulse at the same time, it was necessary to put the commonwealth under a single governor, superior to the consuls themselves, who should be arbiter of the laws, and as it were the father of his country: and that, for fear he should make himself its tyrant, and abuse this uncontrollable authority, they ought not to trust him with it above six months.

The people, not foreseeing the consequences of this change, agreed to it: and it should seem as if they

they gave the first consul the power of naming the dictator, as a kind of amends for the authority he lost by the creation of that eminent post. Clelius presently named his colleague T. Lar-

gius ; the first Roman that, with the title of *dictator*, enjoyed this supreme dignity, which may be called an absolute monarchy in a republic, though

not durable. And indeed the moment he was named, he had power of life and death over all the citizens of every degree, and without any appeal *. The authority and the very functions of all other magistrates ceased, or were subordinate to him : he had the naming of the general of the horse, who was wholly at his command, and served too as his lieutenant-general. He had lictors armed with axes like a king. He might raise troops, or disband them at his pleasure. Whenever war was declared, he commanded the armies, and went upon all military enterprizes without the advice either of the senate or the people ; and, when his authority was expired, he was not obliged to give an account of any thing he had done during his administration.

T. Largius being invested with this great dignity, named, without the participation either of senate or people, Spurius Cassius Viscellinus for general of the horse ; and though he was indeed one of the most moderate of the whole senate, yet he outwardly seemed to do every thing with a stern haughtiness, to make himself feared of the people, and awe them into their duty. The firmness of this magistrate struck a terror into every body ; they found, that, under so resolute a master, who would not fail to make an example of the first that should rebel, submission was the only course they had to take.

The dictator, seated upon a high chair like a

* Dec. 1. l. 2. D. H. l. 5.

throne,

throne, which he had caused to be set up in the public place, and surrounded by his lictors armed with their axes, ordered every citizen to be called one after another. The plebeians, without daring to stir a finger, offered themselves quietly to be listed; and every one full of awe ranged himself under his banners. However this mighty face of war turned into a treaty: the Sabines, terrified, sued for peace without being able to obtain it. But there was a kind of truce agreed to, that lasted almost a year. And thus this prudent dictator, by a conduct equally resolute and mild, found a way to make himself feared and respected both by the enemy and his fellow citizens.

But the end of the dictatorship soon revived those domestic feuds, which the apprehensions of an approaching war had only suspended. The creditors again fell to prosecuting their debtors, and these renewed their murmurs and complaints. This great affair raised fresh troubles *, and the senate, in hopes to prevent ill consequences, got the consulship for Appius Claudius, whose resolution they were well acquainted with. But, lest he should carry it too far, they gave him for his colleague Servilius, a man of a gentle, humane character, and agreeable to the poor and the multitude. These two magistrates were sure to be of contrary opinions. Servilius, out of goodness and compassion to the unfortunate, inclined to the suppression of the debts, or at least to the taking off of the principal those exorbitant and accumulated interests, which considerably exceeded it. He exhorted the senate to make some regulation in this matter, that might ease the people, and settle the tranquility of the state upon a lasting foundation.

But Appius, a severe observer of the laws, maintained, with his usual constancy, that it was a ma-

* Liv. I. 4. in orat. Canulci.

nifest injustice to relieve the debtors at the expence of the fortunes of their creditors ; that this project tended to the very ruin of the subordination necessary in a well governed state ; that the condescension, which Servilius was for shewing to the necessities of the people, would be looked upon by the seditious only as a concealed weakness, and so breed new pretensions ; whereas nothing would be a better proof of the power of the commonwealth, than a just severity shewed to those, who by their disobedience and cabals had violated the majesty of the senate.

The people, informed of what had passed in the senate, and of the different inclinations of the two consuls, showered as many praises upon Servilius, as they threw imprecations upon Appius.

The most mutinous flock together again ; they hold secret assemblies in the night time, and in by-places : all is in motion, when behold the calamity of a private man throws the public discontent into action, and raises a general sedition.

A plebeian, laden with chains, flings himself into the public place as into an asylum*. His cloaths were torn ; his visage pale and disfigured ; a rough beard, and hair neglected and disordered, made his countenance look ghastly. He was nevertheless very well known ; and some remembered to have been with him in the wars, and to have seen him fight with great valour. He himself shewed the scars of the wounds that he had received upon several occasions ; he named the consuls and the tribunes under whom he had served, and, addressing his speech to a multitude of people that surrounded him, and that earnestly inquired the cause of the deplorable condition he was in, he told them, that, while he bore arms in the last war against the Sabines, he had not only been hindered from culti-

* Liv. l. 2. Dec. 1.

vating his little inheritance, but the enemy in an incursion, after having plundered his house, had set it on fire : That the necessities of life, and the tributes which, notwithstanding his misfortune, he was obliged to pay, had forced him to contract debts ; that the interest being by degrees grown to an excessive sum, he was reduced to the melancholy expedient of yielding up his inheritance to discharge part of it ; but that the merciless creditor, not being yet quite paid, had dragged him to prison, with two of his children * : That, to oblige him to hasten the payment of the residue, he had delivered him over to his slaves, who, by his order, had torn his body with whips : at the same time he flung off his garment, and discovered his back still bloody with the lashes he had received.

The people, already in motion, provoked at so barbarous an action, uttered a thousand cries of indignation against the patricians. The noise ran in a moment over the whole city, and the people flocked from all parts into the Forum. Those, whom the like misfortunes had thrown into the fetters of their creditors, make their escape ; the sedition quickly finds leaders and abettors ; the authority of the magistrate is no longer regarded ; and the consuls, who came in hopes of putting a stop to the disorder by their presence, being surrounded by the people hot with fury, find neither respect nor obedience in the citizen.

Appius, abhorred by the multitude, was just going to be insulted, if he had not escaped under favour of the tumult. Servilius, though more agreeable to the people, was forced to throw off his consular robe ; and, without any mark of his dignity, he runs into the crowd, caresses the most mutinous, and, with tears in his eyes, conjures them to appease this sedition. He gives them his word, that

* Dion. Hal. I. 6.

he will immediately call the senate, and take as much care of the people's interests in it, as any plebeian could do; and, as a proof of his sincerity, he proclaims by a herald, that none shall take up any citizen for debt, till the senate had made some new regulation in this affair.

The people upon his word disperse: the senate assembles. Servilius sets forth the disposition of men's minds, and the necessity in such a conjuncture of abating somewhat of the severity of the laws. Appius, on the contrary, always fixed to his opinion, firmly opposes it. The diversity of sentiments breeds a bitterness between these two: Appius, who could not help lowering the usefulness of his counsels with the austerity of his character, and the roughness of his manners, publicly upbraids his colleague with being a flatterer and a slave to the people *. Servilius on his side reproached him with the ruggedness of his temper, his pride, and the animosity he shewed against the plebeians. The senate divide themselves between these two great men; each takes his party according to his inclination or interest. The difference of opinions and the opposition of sentiments raise a great noise in the assembly. During this tumult, some horsemen come full speed with an account, that an army of Volsci were upon their march to Rome.

This news was received very differently by the senate, from what it was by the people. The senators, their clients, and the richer sort of plebeians take arms. But those, who were oppressed with debts, shewing their chains, asked, with a fierce kind of a smile, whether it was worth their while to expose their lives to defend such ornaments? And all those plebeians obstinately refused to give their names to be inrolled.

The city was in that agitation, which usually pre-

* D. H. I. 6.

cedes the greatest revolutions ; the consuls divided ; the people disobedient to their magistrates ; and the Volsci at the gates of Rome. The senate, who were almost equally afraid of the citizens and the enemy, engaged Appius to take upon him the defence of the city, because they hoped the people would more willingly follow his colleague into the field. Servilius, who was appointed to march against the enemy, conjures the people not to abandon him in this expedition ; and, to prevail upon them to take arms, he publishes a new prohibition against detaining in prison any Roman citizen, that was willing to go with him to the war, or seizing his children or his goods : and, by the same edict, he engages himself, in the name of the senate, to give the people, at his return, all manner of satisfaction with relation to their debts.

This declaration was no sooner published, but the people crowded in to list themselves, some out of affection to the consul, whom they knew to be their friend, and others, that they might not stay in Rome under the severe and imperious government of Appius. But, of all the plebeians, none inrolled themselves more heartily, nor shewed more courage against the enemy, than those who had been most active in the last tumult. The Volsci were defeated, and the consul, to reward the soldier for his valour in this war, left him the plunder of the enemy's camp, without reserving any thing for the public treasury as was usual.

The people at his return met him with great applause, and confidently expected the effect of his promise. Servilius left no means untried to make good his word, and to induce the senate to grant a general abolition of debts. But Appius, who looked upon the least change in the laws to be dangerous, strongly opposed his colleague's design. He gave the creditors fresh power to drag the debtors to prison ; and the applauses he received for this

from the rich, and the curses from the poor, equally concurred to the confirming of this magistrate in his severity.

Those that were arrested appealed to Servilius; they urged upon him the promises he had made to the people before the campaign, and the services they had done in the war. They cried aloud before his tribunal, that, either in quality of consul and chief magistrate, he should undertake the defence of his fellow-citizens, or that, as general, he should not desert the interest of his soldiers. But Servilius, who was of a mild timorous character, durst not declare openly against the whole body of patricians *; and, endeavouring to manage both parties, he disengaged both, so that he got the hatred of the one, and the contempt of the other.

The people, finding themselves abandoned by Servilius, and persecuted by his colleague, assemble tumultuously, confer, and resolve to owe the redress of their grievances only to themselves, and to oppose tyranny with force. The debtors, being pursued into the very forum by their creditors, there find a sure refuge among the crowd; the multitude in fury beat, disperse, and repulse those merciless creditors, who implore in vain the assistance of the laws. A new irruption of the Volsci, the Sabines, and the *Æqui*, raises the courage of the people higher than before, and they openly refuse to march against the enemy.

A. Virginius, and T. Vetius, who succeeded Appius and Servilius in the consulate, attempted to quell this tumult by dint of authority. They caused a plebeian to be seized that refused to lift himself; but the people, still furious, tore him out of the hands of the lictors; and the consuls experienced on this occasion, how little respect is paid to majesty with-

Year of Rome,
259.

* Liv. dec. 1. l. 2.

out strength. A disobedience, so declared, and so little different from a revolt, alarmed the senate, which assembled extraordinarily. T. Largius, whom we have seen dictator, gave his opinion first. That ancient magistrate, so venerable for his wisdom and firmness, said, "That he saw, with abundance of grief, Rome split as it were into two nations, and forming two different cities : That the first was full of nothing but riches and pride, and the second of misery and rebellion : That there was no appearance in either of justice or of honour, or even of common decency ; and that the haughtiness of the great, was no less odious than the disobedience of the common people : That he was nevertheless obliged to own, that he foresaw the extreme poverty of the people would always keep up dissension ; and that he did not think it possible to restore peace and union between these two orders, any otherwise than by a general abolition of the debts."

Other senators were for restraining this favour to those who, in the last wars, had done good service to the commonwealth ; and represented, that it was no more than a piece of justice that was due to them, and for which Servilius's promise stood engaged.

Appius, when it was his turn to speak, was equally against both those proposals : "All these seditions," says he, "do not proceed from the people's want ; they are much rather the effect of an unbridled licentiousness, which the seditious are pleased to call by the name of *liberty*. All this confusion has its rise from the abuse which the people makes of the *lex Valeria* ; they violate the majesty of the consuls with impunity, because the mutinous know, they can appeal from the condemnation of their crime to the very accomplices of their guilt ; and what order can we ever hope to establish in a state, where the decrees

" decrees of the magistrates are subject to the revisal and judgement of a rabble, that are guided by nothing but their fury and caprice? We must create a dictator," added Appius, " whose judgments are without appeal; and then you need not fear, that any plebeian will be so insolent as to repulse the lictors of a magistrate, who has the sovereign disposal of their lives and fortunes."

The young senators, jealous of the senate's honour, and those especially whose interest was concerned in the abolition of the debts, declared for Appius's opinion; they were even for bestowing that great dignity upon him: they said, that none but a man of his firmness and intrepidity could reduce the people to their duty. But the old senators, and the more moderate, thought that supreme power formidable enough of itself, without placing it in a man naturally severe, and odious to the multitude. One of the consuls, by their advice, named for dictator Manius Valesius the son of Volesius. He was a consular year of Rome, 259.

man, above threescore and ten years old, and of a family from which the people had no reason to fear either pride or injustice *.

The dictator, plebeian in his inclination, named for general of the horse Quintus Servilius, the brother of him that had been consul, and who was of opinion like himself, that there was a great deal of justice in the peoples complaints: He then convened a general assembly in the place of the comitia. He appeared in it with a countenance at once both grave and modest; and addressing himself to the people, he told them, that they need have no apprehensions that either their liberty or the *lex Velia*, which was its chief support, would be in danger under a dictator of the family of Valerius Publicola. That he did not ascend his tribunal to,

* Liv. dec. 1. l. 2. D. H. l. 6.

cheat them with false promises; that indeed there was a necessity of marching against the enemies who were advancing towards Rome, but that he would engage in his own name, and on the part of the senate, to give them full satisfaction with relation to their complaints at their return from the campaign:

" And in the mean while, says he, by the sovereign power with which I am invested, I declare your persons, your lands, and your goods to be perfectly free: I suspend the effect of all obligations that might be made use of to give you trouble: Come and assist us to conquer new lands from our enemies for your use."

This speech filled the people with hopes and with comfort. Every body took arms with pleasure, and ten legions were raised complete *; three were given to each consul, and the dictator reserved four to himself. The Romans marched against the enemy on different sides; the dictator routed the Sabines, and the consul Vetusius gained a signal victory over the Volsci, took first their camp, and then Velitræ, into which place he entered sword in hand in pursuit of the vanquished; and A. Virginius the other consul defeated the Æqui, and won a complete victory, which by means of the hasty flight of the enemy was without much bloodshed.

The senate apprehending that the soldiers at their return would challenge of the dictator the execution of his promise, desired him and the two consuls to detain the soldier still under their ensigns, upon pretence that the war was not quite finished. The two consuls obeyed; but the dictator, whose authority was independent of the senate, disbanded his army. He declared his soldiers free of the oath they took when they listed themselves; and as a new proof of his affection to the people, he chose out of that order four hundred of the most consi-

derable, whom he brought into that of the knights. He then went to the senate, and demanded that they would disengage his word by a *senatus consultum*, and abolish all the debts. The oldest senators and the best men, excepting only Appius, were for consenting to this demand. But the faction of the rich got the better, and they were backed by the young senators, who looked upon all proposals in favour of the people, as so many diminutions of the senate's authority. There were even several that presuming upon the dictator's extreme good nature, reproached him, that he sought by the vilest methods the applauses of a base populace. His demand was rejected with great tumult; and he was made to understand, that if his dignity had not set him above the laws, the senate would call him to an account for disbanding his army as a thing contrary to the military laws, and especially while the enemies of the republic were still in arms.

"I plainly perceive, says that venerable old man, "that I am not agreeable to you *: I am accused of "being too popular may the gods grant that all "the defenders of the Roman people, who shall "rise hereafter, may be as moderate as I am! "But expect not that I will deceive my fellow-citizens, who took up arms upon my promise, and "who with the price of their blood have triumphed over your enemies. A foreign war, and our "domestic feuds were the occasion of the republic's "honouring me with the dictatorship. We now "have peace abroad, and I am hindered from establishing it at home; thus my power being "grown useless, I am resolved to abdicate this high "dignity. I had rather behold the sedition as a "private person than with the title of dictator." Concluding with these words, he left the senate abruptly, and convened an assembly of the people.

* D. H. l. 6.

When the assembly was formed, he appeared in it with all the ensigns of his dignity ; he first returned the people thanks for the readiness with which upon his orders they had taken arms, and at the same time highly praised the valour and courage, which they had shewn against the enemies of the commonwealth. " You, says he, like good citizens, have performed your duty. It were now my turn to acquit myself of the promise I made you ; but a faction more powerful than the authority of the dictator himself hinders the effect of my sincere intentions. I am publicly called an enemy to the senate ; my conduct is censured ; it is laid to me as a crime, that I left you the spoils of our enemies, and above all that I absolved you from the military oath. I know after what manner, in the strength of my years, I should have answered such injuries : but they despise an old man of above threescore and ten*, and as I am now past either revenging myself, or doing justice to you, I freely throw up a dignity in which I can do you no service. If however any one of my fellow-citizens still condemns me for the inexecution of my word, I willingly put the small remains of life, which I have left, into his hands : he may deprive me of it, and I shall neither murmur at it nor oppose it."

The people heard this discourse with no sentiments but of respect and veneration : every body did him the justice he deserved, and he was conducted quite home to his house by the multitude, with as many praises as if he had pronounced the abolition of the debts. The people turned their whole indignation against the senate, which had so often deceived them. They now keep no further measures ; the plebeians assemble publicly, and the most violent proposals are most agreeable to the

* D. H. 1.6.

multitude.

multitude. The two consuls, who still held the soldiers engaged by their oath, in concert with the senate, marched into the field, under pretence of news which they had caused to be brought, that the enemies were making new preparations. The people, who perceived the artifice, went not out of Rome without the utmost fury; the hotter sort, rather than go any farther, were for murdering the consuls, in order to free themselves at once from the oath that bound them to their command. But the wisest among them, and those who were swayed by the fear of the gods having represented to them, that no oath was worth making void by such a crime, the soldiers took another method. They resolved to leave their country, and fix themselves a new settlement out of Rome. They immediately take up their ensigns, change their officers, and by the advice and under the conduct of a plebeian, named Sicinius Bellutus, *Year of Rome* they retire, and incamp upon a mountain, *situate three miles from Rome, near the river Teveron, and since called Mons Sacer* *.

A desertion so general, and which looked like the beginning of a civil war gave great uneasiness to the senate. They immediately set guards at the gates of the city, as well for its security, as to hinder the rest of the plebeians from joining the malecontents. But those who were laden with debts, and the most mutinous and seditious escaped notwithstanding this precaution; and Rome saw at her gates a formidable army made up of part of her own citizens, and ready to turn their arms upon those that remained in the city.

The patricians divide themselves out into different tasks †: some at the head of their clients, and of such plebeians as would not take part in the sedition, secure the most advanced posts; others in-

* DH. I. 6. † Id. Ibid.

trench themselves at the entrance of the city ; the old men undertake the defence of the walls and all appear equally vigorous and resolute.

The senate after these precautions send a deputation to the malecontents to offer them a general pardon, and exhort them to return into the city, or to their ensigns. But this step taken too soon, and in the first heat of the sedition, only served to increase the insolence of the soldier. The deputies were sent back contemptuously, with no other answer, but that the patricians should quickly find what enemies they had to deal with.

The return of these envoys augmented the trouble in the city. The two consuls, whose magistrature was expiring, appointed the assembly for the election of their successors ; no body at so dangerous a time presented himself candidate for that dignity ; several even refused it. At length they obliged Posthumius Cominius and Spurius Caecilius

Year of Rome Viscelinus, both consular persons, to accept it, and the senate pitched upon them, because they were equally agreeable to the nobles and plebeians, and because Cæ-
260, or
261. silius especially had always behaved very artfully between the two parties..

The first care of the new consuls was to convene the senate to deliberate upon the most speedy and easy methods of restoring peace and union amongst the several orders of the state

Menenius Agrippa, a consular person, and illustrious for the integrity of his manners, who was ordered to give his opinion first, was for sending new deputies to the malcontents with full power to conclude this ugly butinels, upon whatever conditions they should think necessary for the good of the republic. Some senators thought it would be a derogation to the majesty of the senate, to send another deputation to rebels, who had given such an unworthy reception to their first messengers. But Menenius urged, that this was no time to insist upon

a vain formality; that the preservation of the republic, and an indispensable necessity to which the gods themselves were forced to submit, obliged the senate to court the people. That Rome, the terror of her neighbours, was in a manner besieged by her own citizens; that indeed they had as yet committed no act of hostility, but that for this very reason they ought to prevent the beginning of a war, which could not be but fatal to the state, let the success be what it would.

He added, that the Sabines, the Volsci, the Æqui, and the Hernici, are irreconcileable enemies of the Roman name, would already have joined the rebels, if they had not perhaps thought it more proper to let the Romans weaken and destroy themselves by their own divisions. That no great assistance was to be expected from their allies; that the nations of Campania and Tuscany were but of a doubtful faith, and were always governed by events; that they were not at all more secure of the Latins, a people jealous of the superiority of Rome, and ever fond of novelty. That the patricians deceived themselves, if they hoped merely with the help of their clients and slaves, to withstand so many domestic and foreign enemies, who would join to destroy a power they abhorred.

M. Valerius whom we spoke of just before, whose mind was embittered against the senate, added to what Menenius had said *, That every thing was to be feared from the fury of the malecontents, most of whom had already abandoned the care of their inheritances, and the culture of the lands, as men who had renounced their country, and thought of nothing but settling elsewhere. That Rome would become a desert, and that the senate, by being too inflexible would be the occasion of the loss of its chief strength, by the forced retreat

* D. H. I. 6.

of most of the inhabitants. That if they had followed his advice during his dictatorship, they might by the abolition of the debts have preserved union and peace among the several orders of the state; but that they must not imagine the people, who had so often been cheated by the false promises of the senate would be satisfied now with that abolition. That he was afraid the ill treatment they had received, would make them demand strong securities for the continuance of their rights and liberties. That they must needs confess, that most of the plebeians were despoiled of their inheritances; that the poor wretches were thrown into chains like so many criminals, and that they complained perhaps with some justice, that the nobles and patricians, contrary to the original constitution of the state, studied nothing but how to make themselves masters of the government. That the creation of a dictator, a modern invention of the senate, quite destroyed the purpose of the *Lex Valeria*, the peoples refuge, and the guardian of their liberty. That this absolute power intrusted in the hands of a single person, would in time enable some man to become the tyrant of his country; that these innovations owed their rise to the imperious maxims of Appius Claudius, and others of his stamp, who seemed to be wholly taken up with the design of establishing the dominion of the nobles upon the ruins of the public liberty; and to reduce free citizens to the vile condition of subjects and slaves to the senate.

Appius arose when it was his turn to speak, and addressing himself to M. Valerius: " If you had confined yourself, says he, merely to speak your mind, without falling upon me so unjustly, you had not exposed yourself to hear truths, which may not be very agreeable to you. But before I offer them to this body, it is just I should answer your calumnies. Tell me, Valerius, where are the

" the Romans that I have prosecuted with the ri-
" gour of justice, to oblige them to pay me
" what they owe me? Name the citizens that
" I have kept in chains; go even to Mount
" Velia, and search among that crowd of male-
" contents whether there is so much as one
" that will say, he left the city only for fear of
" being imprisoned by me. Every body knows on
" the contrary, that I have used my debtors like
" my clients and friends; that without considering
" the old debt, I have freely assisted them again in
" their necessities, and that as much as in me lay,
" the citizens were always free. Not that I pro-
" pose my conduct as a rule for others; I will al-
" ways contend for the authority of the laws in
" favour of those that apply to them. I am even
" convinced that with regard to certain debtors that
" spend their lives in idleness and debauchery, it
" is as reasonable to make them pay, as it is noble
" and generous to forgive poor citizens who are
" peaceful and laborious, but whose misfortunes
" have reduced them to extreme want: such has
" been my conduct, and such are the imperious
" maxims with which I am charged. But I have de-
" clared myself a favourer of the great, say they,
" and it is upon my counsels that they have possessed
" themselves of the government. This crime,
" gentlemen, added Appius, turning towards the
" chief of the senate, I am guilty of in common
" with you. The government belongs to you,
" and you are too wise to yield it up to an un-
" bridled rabble, to that furious beast which hear-
" kens to none but its flatterers, but yet whose
" slaves often become their tyrants; and this is
" what we ought to apprehend from M. Valerius;
" who though he has no credit in the republic
" but through the dignities with which we have
" honoured him, makes use of it now to ruin our
" laws, to change the form of our government,
" and

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“ and to pave himself by his mean condescensions
“ a way to the tyranny. You have heard his own
“ words, and must have observed, that being bet-
“ ter informed than us of the pernicious designs
“ of the rebels, he gives you notice to prepare
“ for new pretensions ; and under colour of de-
“ manding security for the liberty of the people,
“ he seeks nothing but to destroy that of the se-
“ nate.

“ But to come to the chief point, upon which
“ we meet this day. I say then, that it is striking
“ at the very foundation of a state to change its
“ laws, and that it is impossible to annul the con-
“ tracts between private persons, without violat-
“ ing the public faith, and ruining that original
“ contract, which first formed societies among
“ men. Will you now grant to a seditious mob,
“ who are ready to turn their arms against their
“ country, what you have often prudently refused
“ to quiet citizens, and soldiers that fought be-
“ neath your ensigns ? Consider that you cannot re-
“ cede from this article of the debts, without open-
“ ing a door at the same time to new pretensions.
“ Ere long the leaders of the sedition, in concert
“ with M. Valerius will want to be admitted into
“ the chief dignities of the state. May the tutelar
“ gods of Rome grant, that the government do
“ not at last fall wholly into the hands of a base
“ populace, that will punish you for your weakness
“ and banish you your selves from your country !
“ It is endeavoured to terrify you with the arms of
“ the rebels; but have not you their wives and
“ children in hostage ? Will they attack with open
“ force, a city which incloses all that they hold most
“ dear ? But I will grant that they have no more
“ regard to the ties of blood, than to the laws of
“ the government : Have they the generals, the
“ provisions, and money necessary to maintain
“ themselves in such an enterprize ? What will be-

" come of them during winter, which is now ap-
" proaching, without bread, without shelter, and
" without daring to straggle for fear of falling in-
" to our hands ? If they take refuge among our
" neighbours, will they not find the government
" there, as well as at Rome, in the hands of the
" great ? Can rebels and run-aways expect to be
" placed in any other condition, but that of
" wretched slaves ? But perhaps it is feared that
" they will join their arms and besiege Rome, de-
" stitute of a sufficient number of inhabitants for
" her defence, as if the strength of the republic
" lay wholly in the rebels. But have you not a-
" mongst the patricians a flourishing youth, and
" full of courage ? Our clients who are the sound-
" est part of the republic, are they not like us,
" immoveably faithful to her interests ? Nay, if
" occasion be, let us arm our slaves, let us make
" them a new people ; them we shall find obedi-
" ent. They have in our service, and by our ex-
" ample, learned to make war. How stoutly will
" they fight, if liberty is to be the reward of their
" valour ? But if all these helps do not yet seem
" sufficient, recal your colonies. You know
" by the last numbering of the people, that the
" republic has no less than a hundred and thirty
" thousand heads of families *; there are scarce
" the seventh part of these among the malecon-
" tents. To conclude, rather than have the law
" dictated to us by these rebels, grant the Latins
" the right of citizens of Rome, which they have
" so long sued for. You will then see them im-
" mediately run to your assistance, and you will
" want neither soldiers nor citizens. To reduce
" my opinion to a few words, I think we ought
" not to send deputies to the rebels, nor do any
" thing that can show the least fear or uneasiness.

* D. H. l. 5. p. 293. an. 246.

" If they return to their duty, we ought to use
" them gently; but we should pursue them sword
" in hand if they persist in their revolt."

An advice so full of resolution was followed, though through different views, by the faction of the rich, and by all the young senators. The two consuls on the other hand, who were plebeians by inclination, and who courted the affection of the multitude, and the old men, naturally timorous, maintained, that civil war was the greatest calamity that could befall a state. They were backed by such of the senate as regarded only the preservation of the public liberty, and who doubted whether some ambitious and enterprising man might not arise even out of the body of the senate, and by the help of these divisions make himself sole master of the government. But scarce were they so much as heard; the place was filled with nothing but clamour and threatening. The youngest senators, insolent upon account of their birth, and jealous of the prerogatives of their rank, went even so far as to intimate to the consuls, that they suspected them. They told them they represented the person of kings, that they had their authority and that of the senate to maintain against the invasions of the people; and the more violent declared, that if the least insult was offered to it, they would take arms to preserve to their order a power which they had received from their ancestors.

The two consuls, who were resolved to favour the people, after having conferred together in private, determined to give these hot spirits time to grow cool, and for that purpose to put off the decision of this great affair to the next assembly. But, before they broke up, in order to intimidate the young senators, who had talked to them too audaciously, they threatened to deprive them of the right of suffrage, by fixing the age necessary to qualify a man to be a senator unless they behaved themselves

selves for the future with more modesty in so venerable an assembly. As that had not yet been settled, the young senators, more afraid of losing their rank than their point, truckled to the menaces and power of the consuls, who at the same time made use of another artifice against the older senators that opposed the abolition of the debts. They gave them to understand, that they could not bear this division in the senate, and that, if the fathers did not enter into more unanimous measures, they would carry this affair before the people; that they could not without injustice refuse them the cognizance of it, according to what was practised even under the government of the kings:

The senators, who had embraced Appius's opinion with most warmth, plainly saw, by the turn which the consuls gave to this affair, that it would slip from them, if they persisted in their first intentions. The fear of falling into the people's hands staggered them; the tears and cries of the women and children, who embraced their knees, and begged of them their fathers and their husbands, finished the persuasion of them: and the senate being convened again, the greater number declared for coming to an agreement. Appius, always immovable in his opinion, and incapable of changing it but by the force of reason, remained almost alone in his opposition, with some few of his relations, who out of decency could not leave him.

The consuls triumphed upon having brought the senate, almost in spite of themselves, to come into their measures: Appius, who was persuaded that all manner of negotiation with the rebels tended to the diminution of the senate's authority, addressing himself to the two consuls: "Though you seem "resolved," says he to them, "to treat with the "people upon the conditions they shall prescribe "to you; and that even those, who were of the "contrary opinion, have changed their minds, ei-

" ther through weakness or interest ; for my part,
" I declare once more, that indeed we cannot have
" too much regard for the misery of a people faith-
" ful and obedient ; but I affirm, that all manner
" of negotiation is dangerous so long as they con-
" tinue in arms."

As the senate had taken their resolution before, this discourse was heard with pain, and considered as that of a man zealous indeed for the senate's glory, but too much opinionated of his own abilities, and, either out of vanity, or the obstinacy of his humour, incapable of ever changing his opinion.

The senate, without giving any heed to it, named ten commissioners to treat with the malecontents, and chose out of their own body such as had always declared in favour of the people. T. Largius, Menenius Agrippa, and M. Valerius were at the head of this deputation, all three constulars, and of whom two had governed the republic, and commanded her armies in quality of dictators : they set forward with their colleagues towards the camp. This great news was got thither before them : the soldiers ran out in crowds to receive their old captains, under whom they had fought so many battles. Shame and rage were mingled in the face of these rebels, and there yet appeared, through the public discontent, a remainder of the former respect, created by the dignity of command, especially when supported by great merit.

The mere presence of these great men had been sufficient to bring back the rebels to their duty, if dangerous spirits had not taken care to keep up the fire of division.

Sicinius Bellutus, as we said before, had gained the confidence of these soldiers ; he was a plebeian, very ambitious, but artful, a great master at fomenting discord, and one that expected his own advancement from the troubles of the state. He was backed

backed in his designs by another plebeian, named Lucius Junius, like the ancient deliverer of Rome, though of a very different family : nay, he affected the surname of Brutus, out of a ridiculous vanity, of comparing himself with that illustrious patrician. This plebeian advised Sicinius to cross at first the negotiation of the deputies, and to create new obstacles against union and peace, in order to find out what advantage they might get from it, and at what price the other party would purchase it. “ The senate betray their fear,” says he : “ We are masters, if we know how to improve this opportunity : let those grave magistrates speak what they have to say ; I will undertake to answer them in the name of our comrades, and I hope what I shall say will be equally useful and agreeable to them.”

These two heads of the plebeians being agreed upon the different parts they were to act, Sicinius introduced the deputies into the camp. All the soldiers flocked about them, and, after they had taken their place where they could be heard by the multitude, they were told, that they might give an account of their commission. M. Valerius, speaking for the rest, said, that he brought them joyful news * ; that the senate were pleased to forget their fault ; that they were empowered to grant them even all the favours that were compatible with the common good of their country ; that nothing now hindered them from returning into the city, revisiting their household-gods, and receiving the embraces of their wives and children, who sighed for their return.

Sicinius replied, that, before the people consented to this, it was but justice they themselves should lay open their grievances and pretences, and know what they might hope from these fine promises of

* Dion. Hal. l. 6.

the senate ; and at the same time he exhorted those of the soldiers, that would defend the public liberty, to appear. But a profound silence reigned in the assembly : they stood looking at one another, and these soldiers, not being masters of the talent of elocution, durst not take upon them to stand up for the common cause. Then that plebeian, who had taken the name of Brutus, arose, as he had before agreed privately with Sicinius, and addressed himself to the soldiers : " One would imagine, fellow soldiers *," says he, " by this deep silence, that you are still awed by the servile fear in which the patricians and your creditors have so long retained you. Every man consults the eyes of the rest, to see if he can perceive more resolution in them than he finds in himself, and not one of you is bold enough to dare to speak in public, that which is the constant subject of your private conversations. Do you not know that you are free ? This camp, these arms, will not they convince you, that you are no longer under your tyrants ? And if you still can doubt it, is not this step which the senate has taken sufficient to satisfy you of it entirely ? These men, haughty and imperious as they are, now come and court our friendship ; they no longer make use either of proud commands, or cruel threats ; they invite us as their fellow citizens to return into our common country, and our sovereigns condescend to come to our very camp to offer us a general pardon. Whence then can proceed this obstinate silence, after such singular condescensions ? If you doubt the sincerity of their promises ; if you fear that, under the veil of a few fine speeches, they conceal your former chains, why do you not speak ? And, if you dare not open your mouths, at least hear a Roman, who has cou-

* Dion. Hal. l. 6.

" rage

" rage enough to fear nothing but not speaking the
" truth."

Then turning to Valerius, " You invite us," says he, " to return to Rome ; but you do not tell us upon what conditions : Can plebeians poor, though free, think of being united with patricians so rich and so ambitious ? And, even though we should agree upon those conditions, what security would they give us of their words, those haughty patricians, who make a merit in their body of having deceived the people ? You talk to us of nothing but pardon and forgiveness, as if we were your subjects, and subjects in rebellion ; but that is the point to be decided. The question is, which is in fault, the people or the senate ? which of those two orders first violated that common society, which ought to subsist between the citizens of one and the same republic.

" In order to judge of this without prejudice, give me leave barely to relate a certain number of facts, for which I will desire no other witnesses but yourself and your colleagues.

" Our state was founded by kings, and never was the Roman people more free and more happy than under their government. Tarquin himself, the last of those princes, Tarquin, so odious to the senate and the nobility, was as favourable to us as he was averse to you. He loved the soldiers ; he had an esteem for valour ; he was always for rewarding it ; and every body knows, that, having found immense riches in Suessa, a town of the Volsci, which he had taken, he chose rather to leave the booty to his army, than to appropriate it to himself ; so that, besides the slaves, the horses, the corn, and the household-stuff, there remained over and above to each soldier five minæ of silver.

" Nevertheless, to revenge your injuries, we drove that prince from Rome ; we took arms against

“ against a sovereign, that defended himself only
“ with the prayers he made to us to leave your in-
“ terests, and to return to his obedience. We af-
“ terwards cut to pieces the armies of Veii, and
“ Tarquinia, which endeavoured to restore him to
“ the throne. The formidable power of Porsenna,
“ the famine that we were forced to undergo dur-
“ ing a long siege, the fierce assaults, the continual
“ battles; in a word, was any thing capable of
“ shaking the faith which we had given you? Thir-
“ ty Latin cities unite to restore the Tarquins;
“ what would you have done then if we had aban-
“ doned you and joined your enemies? What re-
“ wards might we not have obtained of Tarquin,
“ while the senate and nobles would have been the
“ victims of his resentment? Who was it that dis-
“ persed this dangerous combination? To whom
“ are you obliged for the defeat of the Latins? Is
“ it not to this very people, the author of a power
“ which you have since turned against themselves?
“ For what recompence have we had for the assis-
“ tance we gave you? Is the condition of the Ro-
“ man people one jot the better? Have you asso-
“ ciated them in your offices and dignities? Have
“ our poor citizens so much as found the least re-
“ lief in their necessities? On the contrary have
“ not our bravest soldiers, oppressed with the
“ weight of usury, groaned beneath the chains of
“ their merciless creditors? What has come of all
“ those vain promises of abolishing in time of
“ peace, the debts which the extortions of the
“ great had forced them to contract? Scarce was
“ the war finished, but you alike forgot our servi-
“ ces, and your oaths. With what design then do
“ you come hither? Why do you try to inveigle
“ this people by the enchantment of your words?
“ Are there any oaths so solemn as to bind your
“ faith? And, after all, what would you get by
“ a union brought about by artifice, kept up with

“ mutual

" mutual distrust, and which can end at last in
 " nothing but a civil war? Let us on both sides
 " avoid such heavy misfortunes; let us not lose
 " the happiness of our separation; suffer us to de-
 " part from a country where we are loaden with
 " chains like so many slaves; and where, falling to
 " be farmers of our own inheritances, we are for-
 " ced to cultivate them for the profit of our ty-
 " rants. We shall find a country where-ever we
 " are allowed to live in liberty; and so long as we
 " have our swords in our hands, we shall be able
 " to open ourselves a way into more fortunate cli-
 " mates."

A discourse so bold, renewed in the assembly the melancholy remembrance of all those miseries whereof the people complained; every man was eager to quote examples of the rigour of the patricians; some had lost their inheritances; others complained of having long suffered in the prisons of their creditors; several shewed yet the marks of the stripes they had received; and there was not one that besides the general interest, had not a particular injury to revenge.

T. Largius, the head of the deputation, thought himself bound to answer all these complaints*. and he did it with that exact equity and uprightness, which was so natural to him. He said, that it was not in their power to hinder men, who had lent their money with an honest intention, from exacting the repayment of it; and that it was without example in any well regulated government, that the magistrate should refuse the aid of the laws to those that demanded it, so long as those laws and customs served for the rule in the government: that nevertheless the senate was willing to look into the necessities of the people, and to remedy them by new regulations; but that it also became their justice,

* Dion. Hal. 1. 6. p. 403.

to distinguish those, whose prudent conduct deserved the relief of the commonwealth, from such as were fallen in poverty only through their own sloth and intemperance ; that those seditious men, who seemed to make it their business to keep up the division between the senate and the people, were not more deserving of favour. and that it would be a very great advantage to the republic to lose such citizens.

T. Largius was going to proceed in a discourse more sincere, than convenient at the present conjuncture, when Sicinius, provoked at what he had said in relation to the leaders of the sedition, cut him off abruptly, and, addressing himself to the assembly : " You now see, my companions," says he, " by the haughty speech of this patrician, what you are to expect from his negotiation, and what treatment is preparing for you at Rome, if the senate can once draw you into their power :" and then turning immediately to the deputies : " Propose directly," says he, " the conditions you are empowered to offer us for our return, or this instant leave our camp, where we are not disposed to bear with you any longer."

Menenius, who well knew that such explications were only likely to exasperate the dispute, took upon him to speak, and, addressing himself in his turn to the whole assembly, he represented, that they were not come to the camp only to justify the conduct of the senate ; that those wise magistrates, studious for the public good, had carefully inquired into the unhappy causes of their divisions, and had found, that the extreme indigence of the plebeians, and the severity of their creditors, was the true source of them ; that in order to redress this at once, they had determined by unanimous consent, and by the sovereign authority with which they were invested, to annul all obligations, and to declare the poor citizens free of all manner of debts :

debts : and that as to those which might be contracted hereafter, provision should be made by a new regulation to be agreed upon between the people and the senate ; that a *senatus-consultum* should afterwards pass conformable to that agreement, and be enacted into a law ; and that all the commissioners in the assembly should engage their lives to the people, and devote themselves and children to the infernal gods if they failed in their promise.

This prudent magistrate finding the minds of the people softened by these concessions, and desiring to lessen the jealousy that was between the poor and the rich, represented to them how necessary it was in a state, that one part of the citizens should be richer than another : and we are told, that to inculcate this maxim into that people, yet fierce and unpolished, he made use of that famous apostrophe of * a conspiracy of all the members of the human body against the stomach, under pretence that without working, it alone enjoyed the fruit of the labour of all the rest. After having applied it to the people and the senate, he desired them to consider that that august body, like the stomach, conveyed through the several members joined to it, the same nourishment that it received it self, but much better prepared, and to it alone they owed their life and strength. " Was it not the patricians, added he, " that first stood up for the public liberty ? To " whom do you owe the establishment of the repu- " blic ? When dangers threaten, on whom do you " turn your eyes, and whence have always proceed- " ed those generous counsels that have saved the " state ? Nothing is more precious to that wise bo- " dy than your preservation and union. The se- " nate loves you all with the reasonable affection of " a father, but without debasing itself to the " treacherous fawnings of a flatterer. You de-

* T. Liv. Dec. i. l. 2. c. 32.

" mand,

" mand the abolition of the debts; they grant it
" you: but they grant it only because they think
" it just, and necessary to the good of our country.
" Return then with confidence into the bosom of
" that common mother, who has educated us all
" in sentiments equally generous and free. Re-
" ceive our embraces as the first fruits of peace;
" let us enter all together into Rome; let us joint-
" ly carry thither the first news of our re-union, and
" may the gods who protect this empire grant, that
" it may be hereafter celebrated by new victories
" over our enemies."

The people could not hear this moving speech without shedding tears; all the plebeians as with one voice cried out to Menenius, that they were satisfied, and that he might lead them back to Rome. But the pretended Brutus, that had just before spoken so sharply against the senate, stopped this sudden heat. He told the people, that in truth they ought at present to be satisfied with the abolition of the debts; but that he could not forbear letting them know that he was very apprehensive for the future; and that he feared the senate would one day take revenge for the justice they had been forced to do them, unless, added he, ways be found to secure the state and the liberties of the people against the enterprises of so ambitious a body.

" What other security can you ask, replied Me-
" nenus, besides what our laws and the constitu-
" tion of the republic afford already? Grant us,
" answered Brutus, some officers to be chosen out
" of the order of the plebeians. We do not desire
" to have them distinguished by the honourable
" marks of the magistracy, neither with the robe
" bordered with purple, nor the curule chair, nor
" the lictors. We are willing to leave all that pagean-
" try to patricians proud of their birth or dignities;
" we shall be contented if we may every year elect
" some plebeians, that may only have authority to

" hinder the injustices that may be done to the
" people, and to defend their interests both public
" and private. If you came hither with a sincere
" intention to give us peace, you cannot reject so
" equitable a proposal."

The people, who are always of the opinion of him that speaks last, immediately applauded what Brutus had said. The deputies were extremely surprised at such a demand ; they retired a little apart from the assembly to confer together ; and being returned to it, Menenius told them, that they asked a very extraordinary thing, and which in time might even be the source of new dissensions ; that it absolutely exceeded the bounds of their instructions and powers ; but that M. Valerius and some of the deputies would go and make their report of it to the senate, and that it would not be long before they returned with an answer.

These commissioners repaired with all speed to Rome ; the senate was immediately convened, and they laid open the peoples new pretensions. M. Valerius declared himself their protector ; he represented that they should not think to govern a warlike people, that was both soldier and citizen at the same time, as they might rule peaceable subjects that had never stirred from their fire-sides. That war and a continual exercise of arms inspired a kind of courage, which could not bear the servile dependance which was expected from these brave men : That indeed it was but justice to have the most particular regards for a generous people, that had rooted out tyranny with the expence of their blood ; that it was his opinion, they ought to grant them the officers they demanded ; and that perhaps such inspectors might not be altogether useless in a free state, to have an eye over those among the great, that might some time or other be tempted to carry their authority too far.

Appius could not hear such a speech without burning with indignation. He called both gods and men to be witnesses of all the mischiefs that such an innovation in the government would bring upon the republic; and as if his zeal and rage had inspired him, he foretold the senate, that by this excess of condescension they were suffering a tribunal to be set up, which by degrees would rise against their authority, and at length destroy it. But this generous senator was little minded, and his remonstrance was looked upon as only the spleen of a man obstinately wedded to his own opinion, and out of humour that it was not followed. The other side prevailed; most of the senators, weary of these divisions, were willing to have peace at any rate; thus almost with an universal consent they agreed to the creation of these new magistrates, who were called *tribunes of the people*.

A *senatus consultum* was made accordingly, which at the same time included the abolition of the debts; the deputies of the senate carried it to the camp as the seal of peace. The people now seemed to have nothing to detain them longer out of Rome; but the leaders of the sedition would not allow them to separate before they elected the new magistrates of the people. The assembly was held in the very camp; the auspices were taken; the voices and suffrages were gathered by curiæ, and they chose for the first tribunes of the people, according to Dionysius Halycarnassæus, L. Junius Brutus and C. Cininius Bellutus the leaders in the revolt, who at the same time associated C. and P. Licinius and Sp. Icilius Ruga into their dignity. Livy says that C. Licinius and Lucius Albinus were the first tribunes, and that they chose themselves three colleagues, among whom Sicinius Bellutus is named as one; and that historian adds, that some authors related that there were at first but two tribunes elected in that assembly.

Be this as it will, those first tribunes and those movers of the sedition, in order to prevent the senate's resentment, had the skill to interest the whole nation in their defence. The people before they left the camp by their advice declared the person of their tribunes sacred; a law was passed to that effect, which made it death to offer the least violence to a tribune, and all the Romans were obliged to take the most solemn oaths for the observation of this law; the people then sacrificed to the gods upon that very mountain, afterwards called the *Mons Sacer*, from whence they returned to Rome, led by their tribunes and the deputies of the senate.

End of the First Book.

THE
H I S T O R Y
OF THE
REVOLUTIONS
That happened in the Government
OF THE
ROMAN REPUBLIC.

BOOK II.

The tribunes of the people, who had been created only to hinder the plebeians from being oppressed, endeavour to destroy the authority of the senate. The origin of the plebeian ædiles. In what manner the tribunes obtained a right to convene the assembly of the people. Coriolanus declares boldly against the enterprises of the tribunes. The character of that patrician. The tribunes require him to answer for his conduct before the assembly of the people. Coriolanus refuses to acknowledge the authority of that tribunal. The senate at first interposes in his favour, but at length abandons him, and grants a decree to refer

refer the decision of this difference to the assembly of the people. Coriolanus is condemned to perpetual exile. He retires among the Volsci, whom he prevails upon to take arms against the Romans. He enters their dominions at the head of a numerous army. Every thing gives way before him; Rome herself is upon the brink of the most dreadful calamities, when she is freed from the danger by the wisdom and prudence of two Roman ladies among others, one the wife, and the other the mother of Coriolanus.

ROME, by the establishment of the tribuneship, changed the form of her government a second time. It had passed before, as we have already seen, from the monarchic state to a kind of aristocracy, where the whole authority was in the hands of the senate and the great. But by the creation of the tribunes there arose insensibly, and by slow steps, a democracy, wherein the people, under different pretences, got possession of the better part of the government.

The senate at first seemed to have no occasion to apprehend any danger from the tribunes, who had no power but to interpose in the defence of the plebeians. Nay, those new magistrates had at first neither the quality of senators, nor a particular tribunal, nor any jurisdiction over their fellow-citizens, nor the power of calling the assemblies of the people. Habited like mere private men, and attended by one single servant called *viator*, which was indeed little different from a footman, they sat upon a bench without the senate, and were never admitted into it but when the consuls called them in to ask their opinion upon some affair that concerned the interests of the people. Their whole authority consisted in a right to oppose the decrees of the senate by the Latin word *Veto*, that is to say, *I forbid it*; which they wrote at the bottom of their decrees, when they thought them contrary to

the liberty of the people; and this power was confined within the walls of Rome, or at most to a mile round: And that the people might always have in the city protectors at hand to take their part, the tribunes were not allowed to be absent from the city any one whole day, except in the *Feriae Lariae*. For the same reason they were obliged to keep their doors open day and night to receive the complaints of such citizens as should stand in need of their protection. Such magistrates seemed designed only to prevent the oppression of the distressed; but they did not long contain themselves within the bounds of so much moderation. There was nothing afterwards so great and exalted to which they did not raise their ambitious views. We shall quickly see them stand in competition with the chief magistrates of the republic; and under pretence of securing the liberties of the people, they indeed concealed a design of ruining the authority of the senate.

One of the first steps of these tribunes was to ask permission of the senate to chuse two plebeians that, with the title of *Aediles*, might assist them in the multitude of affairs with which they said they were overloaded in so great a city as Rome, and especially in the beginning of a new magistracy.

The senate, always divided, and having lost sight of the fixed point of their government, suffered themselves to be carried away just as these ambitious men pleased; this new demand also was granted them. Such was the origin of the plebeian *aediles*, the creatures and ministers of the first tribunes; and at the beginning they were only their agents, but afterwards they took to themselves the inspection of the public edifices, the care of the temples, baths, aqueducts; and the cognizance of a great many affairs which before belonged to the *contuls* *;

* D. H. I. 6.

a new breach made by the tribunes in the senate's authority.

However, the more popular senators hoped that by yielding up something of their right, they had at least given quiet to the republic. And indeed Rome appeared to be in repose, and the union of the people and patricians seemed to be sincere and durable. But the fire of division, which lay hid at the bottom of their hearts, was not long before it flamed out afresh *: a famine that happened the following year, under the consulship of T Geganius, and P: Mi nutius, served the tribunes for a pretence ^{Year of Rome, 61.} to fall again upon the grandees and the senate †. Sp. Icilius was this year the first of the tribunes, and Brutus and Sicinius, to keep themselves still at the head of affairs, were descended from the tribuneship to the office of ædiles. Those seditious men, whose credit subsisted only by the misunderstanding they fomented between the two orders of the commonwealth, maliciously gave out, that the patricians having their granaries full of corn, had occasioned the public dearth in order to make up to themselves the abolition of the debts, by the excessive price at which they should sell it; that this was a new kind of usury invented by these tyrants, with intent to get at an inconsiderable rate the little land that was still left to the poor plebeians.

Nevertheless those tribunes could not but know, that the people themselves, and their desertion upon the Mons Sacer at the time for sowing the corn, was the cause of this scarcity, because in that general disorder, where most of the malecontents had thoughts of settling elsewhere, the lands remained uncultivated and unsown. But these dealers in sedition studied for nothing but

* Oros. l. 2. c. 5.

† Dion. Hal. l. 7.

pretences;

pretences ; they were very well assured, that let them be ever so improbable, they would pass for the most solid arguments with a populace that wanted bread ; and they inveighed against the government only to make themselves masters of it, or at least to change it according to their own interests.

The senate used no arms against these invectives *, but a constant and generous care, and a continual application to provide for the peoples necessities. They bought up corn on all fides ; and because the nations bordering upon Rome, who were jealous of her greatness, refused to furnish them, they were forced to send for it as far as from Sicily. P. Valerius, son of the famous Publiliola, and L. Geganius, brother to the consul, were sent with this commission.

However, as the tribunes continued to spread disadvantageous reports of the senate's conduct with design to raise the multitude, the consuls convened an assembly of the people to undeceive them, and to let them see by the care that had been taken of their subsistence, the injustice and malice of their tribunes. These latter disputed with them for the right of speaking ; and as in this contest both parties spoke at the same time, neither of them was heard. They represented in vain to the tribunes, that they had no power to talk directly to the people, and that their whole function consisted in the right of opposition, when some offer had been made to the people contrary to their interests : These retorted upon the consuls, that the senate was the only place where they had any business to preside ; and obstinately maintained, that it belonged to them preferably to all other magistrates, to speak in the assemblies of the people.

These mutual pretensions increased the tumult † ; the dispute grew warmer and warmer,

* Dion. Hal. l. 7. p. 417.

† Id. p. 420.

and

and the hottest in each party were just ready to come to blows ; when Brutus, who was but ædile this year, as we said before, thought this disorder a favourable opportunity for extending the authority of the tribunes and addressing himself to the two consuls, he promised them to appease the tumult if they would give him leave to speak in public.

The consuls who in this permission intreated of them by a plebeian in presence of his tribunes, found a new proof of their right to preside in all assemblies of the Roman people, consented he should freely speak whatever he thought fit, not doubting but that as he knew the name of an assembly of the people took in the senators and knights as well as the plebeians, he would bring the tribunes off from their pretensions of presiding in them. Brutus had very different thoughts, and instead of addressing himself either to the people or the tribunes, he turned to the consul Geganius, who had been one of the commissioners that the senate sent to the *Mons Sacer* : “ Do you remember,” says he, “ that, when we laboured jointly to bring “ the two orders of the republic to an agreement, “ no patrician interrupted those that were appointed “ to take care of the interests of the people, “ nay, and that it was expressly stipulated that it “ should be so, to the intent that each party might “ set forth their reasons with the more order and “ tranquillity ? ” “ I remember it very well,’ replied Geganius. “ Wherefore then, continued Brutus, “ do you now interrupt our tribunes, “ whose persons are sacred, and who are invested “ with a public magistracy ? We interrupt them “ justly,” answered Geganius. “ because having “ ourselves convened the assembly, according to “ the privilege of our dignity it belongs to us to “ speak.” The consul added too rashly, and without thinking of the consequences, “ That, if the “ tribunes had convened the assembly, he would “ have

" have been so far from interrupting them, that
 " he would not so much as come to hear what they
 " said, though merely as a Roman citizen he had
 " a right to be present at all assemblies of the peo-
 " ple."

Brutus no sooner heard these last words, but he cried out in a transport of joy ; " The victory is
 " yours, O plebeians ; tribunes, give way to the
 " consuls ; let them speak to-day as much as they
 " please ; to-morrow I will shew you what the dig-
 " nity and power of your office is ; only take care,
 " that the people repair hither betimes in the mor-
 " ning by your orders, and by your convoking : if
 " I abuse their confidence and yours, I am ready
 " to expiate these rash promises with the forfeit of
 " my life."

The assembly was forced to break up, night com-
 ing on during these contentions ; the people went
 away impatient to see the effect of Brutus's promis-
 es ; and the patricians retired on their parts, de-
 spising the boasts of a private man, unable, as they
 thought, to give any greater extent to the function
 of tribune, than the single privilege of opposition,
 that had been granted upon the *Mons Sacer*.

But Brutus, more cunning than the senate ima-
 gined, went to the tribune Icilius ; he spent part of
 the night in consulting with him, and his colleagues,
 and he let them into his designs. " All we have
 " to do, (says he to them,) is to convince the peo-
 " ple, that the tribuneship can be of no manner of
 " use to them, unless the tribunes have power to
 " convene the assemblies, in order to represent to
 " them whatever may concern their interests ; the
 " people will never refuse to pass a law, which can-
 " not but be advantageous to them ; all the diffi-
 " culty lies in preventing the senate and patricians
 " that might oppose it ; for this purpose we must
 " hold the assembly as early as possible, and possess
 " ourselves betimes of all the avenues to the ro-
 " strum."

"strum." His colleagues, having approved his scheme, sent into the several parts of the city to solicit the principal plebeians to repair to the forum by break of day, with as many of their friends as they could possibly get together. The tribunes on their parts were there before morning, and, according to Brutus's advice, took possession of the temple of Vulcan, where those, who intended to speak, usually placed themselves. An innumerable multitude of people had quickly crowded the forum. Icilius took upon him to speak: and, in order to revive the bitterness and animosity in men's minds, he began with summing up all that the people had suffered from the avarice and inhumanity of the great, before the establishment of the tribuneship. He then represented, that the public misery would never have had an end, if two citizens had not been found, that had courage enough to stand up against the tyranny of the patricians: That, after the abolition of the debts, those patricians had taken advantage of the famine, to bring the people once more into slavery, and that they endeavoured to hinder the tribunes from speaking in the assemblies, for fear they should give the people light into their true interests: That this open tyranny rendered the tribuneship of no effect; and that the people must either of their own accord renounce their magistrate, or by a new law give authority to their magistrates to convene assemblies, to deliberate concerning their rights; and that then it should be unlawful, upon the severest penalties, to interrupt or disturb them in the execution of their office.

This discourse was received as usual with great applause. The people immediately cried out, that he should propose the law himself. He had prepared it the night before, and had taken care to get it ready, for fear that, if they were obliged to defer the publication of it till the next assembly,

the

the senate and patricians would be there to oppose it. He read it aloud, and it was conceived in these terms.

Year of Rome. " That no man presume to interrupt a tribune that is speaking in the assembly of the Roman people. If any one break this law, he shall presently give bail to pay the fine, to which he shall be condemned: if he refuses, he shall be put to death, and his goods confiscated." *

The people gave force to this law by their suffrages. The consuls having shewn an intention to reject it, alledging, that it was a law procured by surprise, and in an assembly made by stealth, without auspices, and without being called by any lawful authority, the tribunes resolutely declared, that they would have no more respect to the decrees of the senate, than the senate should have for this *plebiscitum*. This was the subject of many disputes, which were managed with nothing but reproaches on each side, but without ever coming to acts of violence. At length the senate, like a good father, gave way to the obstinacy of the plebeians, whom it always looked upon as its children. The law was received with a general consent of the two orders; the people, satisfied with having enlarged the power of their tribunes, bore the famine patiently, and still retained so much equity in their distress, as to pay a veneration to those great men, that had withstood them with so much courage and firmness.

The city remained for some time in quiet; but plenty produced what famine could not; and a fleet laden with corn, which arrived upon the Roman coast, gave the tribunes a new occasion of extending their power, and of rekindling sedition.

P. Valerius and L. Geganius, whom the senate had employed to go to Sicily, as we said before, re-

* Dion. Hal. p. 431, 432.

turned with a great number of ships laden with corn, under the consulate of M. Minutius and A. Sempronius. Gelo, tyrant of Sicily, had made a present of the greater part of it, and the envoys of the senate had bought the remainder with the public money : the question now was, what price to set upon it ? The tribunes were called into the senate to give their opinion ; those senators, whose only aim was to restore a perfect intelligence between the people and the senate, were for distributing *gratis* among the poor that corn which they owed to the liberality of Gelo, and for selling, at a moderate rate, that which they had bought with the public treasure. But, when it came to Coriolanus's turn to speak, that senator, to whom the institution of the tribuneship was odious, maintained, that this concession in the senate to the necessities of the people only encouraged them in their insolence ; that they should never keep them to their duty any longer than they were in indigence, and that the time was now come to avenge the majesty of the senate, violated by a seditious multitude, whose leaders, with an addition of guilt, had extorted dignities for themselves, as a reward for their rebellion. It was thus this senator declared himself in the very presence of the tribunes.

But, before we proceed to the consequences of this affair, I think it will be absolutely necessary to give some further knowledge of a man, that is to act so great a part in this passage of our history, and whose fortune was more glorious than happy.

Caius Marcius Coriolanus * descended from one of the most illustrious patrician families in Rome. He received the surname of *Coriolanus* for having taken, sword in hand, Corioli, one of the chief towns of the Volsci. Having lost his father in his infan-

*Year of
Rome,
262.*

* Plut. in Coriol.

cy, he was educated with great care by his mother Veturia, a woman of austere virtue, who had omitted no methods to inspire her own sentiments into her son.

Coriolanus was wise, frugal, disinterested, of a strict probity, and an inviolable adherer to the observation of the laws. With these pacific virtues there never was known a more exalted valour, or such a capacity for the art of war; he seemed to have been born a general; but he was harsh and imperious in his command; as severe to other men as to himself; a generous friend, an implacable enemy; too haughty for a republic. Satisfied with the uprightness of his own intentions, he went on directly to what was good; without making use of that art and those insinuations which are so necessary in a state founded upon equality and moderation. He had demanded the consulship the preceding year; and most of the senators, being of opinion that so great a captain would do very signal services to the state, if he were invested with that dignity, had used their interest in his favour. This recommendation of the great was a sufficient impediment in the minds of the people. The tribunes, who dreaded the extraordinary courage and great firmness of Coriolanus, had represented to the plebeians the solicitations of the senate as a private conspiracy against their order, which had made the people refuse him their voices. This denial he laid extremely to heart; and he conceived the sharpest resentment of it, which he shewed upon this occasion. "If the people, (said he in full sentence,) expect to have a share in our liberalities, "if they think to have provisions at a moderate "price, let them restore to the senate its ancient rights, and wipe out the very footsteps of "the last seditions. Why must I behold in the "forum, and at the head of the people, magistrates

" strates unknown to our fathers * , forming with-
 " in our walls as it were, two different republics ?
 " Shall I suffer a Sicinius, a Brutus, to reign im-
 " periously in Rome, I that could not endure to
 " see her ruled by kings ? Shall I be forced to
 " look with fear upon tribunes that owe their power
 " to nothing but our weakness ! Let us no longer
 " bear so great an indignity but let us restore to
 " our consuls the just authority, which they ought
 " to have over all that call themselves by the Ro-
 " man name † . If Sicinius is discontented at this,
 " let him retire once more with those rebels that
 " feed his insolence and support his tyranny. The
 " way of the Mons Sacer, is still open to him ; we
 " want no subjects, but what are obedient and peace-
 " ful, and we had much better be without them,
 " than share the government and dignities of the
 " state with a vile rabble."

The oldest senators, and those especially who had managed the last accommodation, thought this vehement speech more haughty than prudent. The young senators, on the contrary, who did not foresee the consequences of it, gave it the highest commendations. All admirers of Coriolanus's virtue, cried out that he was the only man that had the courage of a true Roman : they repented and were ashamed of the consent they had given to the erection of the tribuneship, as a scandalous piece of cowardice : they talked openly of abolishing it : and the majority were for re-establishing the government upon its ancient foundations.

The tribunes, whom the consuls had sent for into the senate, as we said before ‡ , seeing this conspiracy against their order, went out in the greatest fury, publickly invoking the gods, who were avengers of perjury, and calling them to

* Liv. Dec. 5.

† Liv. Dec. 1. l. 2.

‡ Id. ibid.

bear witness of the solemn oaths by which the senate had given authority to the establishment of the tribuneship. They assembled the people tumultuously, and cried aloud from the rostrum, that the patricians had made a league to destroy them, their wives and children, unless the plebeians delivered their tribunes chained into the hands of Coriolanus ; that he was a second tyrant rising up in the republic, and aimed either at their deaths or slavery.

The people take fire immediately ; they utter a thousand confused cries full of indignation and threats. Rome, but just delivered from one tumult, beholds another sedition approaching more dangerous than the former. No body thinks now of retiring upon the Mons Sacer ; the people, who had made a tryal of their strength, intend to dispute the empire of Rome with the patricians in the middle of Rome itself : they talk of no less than going directly and tearing Coriolanus out of the senate, to sacrifice him to the public hatred. But the tribunes, who were for a more secure way of destroying him, that is to say, by pretending to observe the forms of justice, sent him a summons to come and answer for his behaviour before the assembly of the people ; thinking by this means, that if he obeyed, they should be the masters and arbiters of the life of their enemy ; or that they should make him more odious to the people, if he refused to acknowledge their authority.

Coriolanus, naturally proud and resolute, having sent back their officer with contempt, as the tribunes foresaw he would, these latter immediately went with a gang of the most mutinous among the plebeians ; and waited for him at the door of the senate, in order to seize him when he should come out. They met him attended as usual with a crowd of his clients, and a great number of young senators who had a respect for his person, and thought it an honour

nour to follow his opinion in the senate, and his example in war. The tribunes no sooner saw him, but they ordered Brutus and Icilius, who this year performed the office of ædiles, to lead him to prison. But it was not easy to execute such a commission. Coriolanus and his friend stand upon their defence *. They beat back the ædiles with their fists : no other arms were used in those days, in a city where the inhabitants never put on the sword, but when they marched out against the enemy. The tribunes enraged at this resistance called the people to their aid ; the patricians on their side run to the assistance of one of the most illustrious of their body. The tumult encreases ; they fall to abuses and reproaches. The tribunes complain that a mere private man should dare to violate a sacred magistracy. The senators, in their turn demanded by what authority they presume to arrest a senator, and a patrician of an order superior to the people, and whether they meant to set themselves up for tribunes of the senate, as they were of the people. During these contentions the consuls came in and dispersed the multitude ; and as much by intreaties as authority prevailed upon the people to retire.

But the tribunes did not stop here ; they convened the assembly for the next morning. The consuls and senate, who saw the people run to the forum at the very break of day, repaired thither too with all diligence, to prevent the ill designs of these seditious magistrates, and to hinder them from bringing the people whom they governed to take some hasty resolution contrary to the dignity of the senate, and the safety of Coriolanus. Their presence did not keep those tribunes from inveighing, as usual, against the whole order of patricians. Then turning the accusations against Co-

* D. H. ibid. l. 7.

riolanus, they reported the words he had spoke in the senate relating to the distribution of the corn.

They also urged as another crime in him, the great number of friends, which his virtue drew about his person, and whom the tribunes called the tyrant's guard. "It was by his order, said they, "addressing themselves to the people, that your ædiles were insulted. He sought by those first "blows only to engage us in a quarrel; and "if we had not shewn more moderation than he, "perhaps a civil war might have armed your citizens one against another." After having spent themselves in invectives to make Coriolanus more odious to the people, they added, that if there was any patrician who would undertake his defence, he might mount the rostrum and speak to the people.

Minutius the first consul offered himself*; and after having complained in general, with abundance of moderation, of those who catched at the least pretence to foment new disturbances in the republic; he remonstrated to the people, that there was so far from being any ground of accusing the senate and patricians of having caused the famine, that every body knew that calamity was occasioned only by the desertion of the people, and by the fault of those, who the year before had neglected to cultivate and sow their lands. That he might with the same ease destroy the other calumnies, with which their ears were fill'd by seditious harangues, as that the senate had laid a design to abolish the tribuneship and to cause the whole people to perish by famine. That, in order to efface at once a report so false and injurious †, he declared to them that the senate again confirmed the power of the tribunes, with all the privileges

* Id. l. 7.

† D. H. l. 7.

that

that had been granted to them upon the Mons Sacer : That as to the distribution of the corn, they made the people judges and masters of that matter, to fix what price upon it they themselves thought fit.

The consul, after a preamble so well adapted to the softening the minds, and winning the good will of the people, added by way of a mild reproach, that he could not help blaming them for the precipitation with which they suffered themselves to be carried away by the first reports that were spread by some particular incendiaries. That it was strange they should go about to make the different opinions that were offered, a crime in the senate, even before any thing was decreed. "Remember, says he, that in your retreat upon the Mons Sacer, your whole wishes, petitions and prayers were to obtain the abolition of the debts. " Scarce had you received so great a favour, " but you made yourselves a kind of new " right from the easiness of the senate, to demand " the creation of two magistrates of your own " body, whose whole authority, by your own confession, was to be confined to the hindering a patrician from oppressing a plebeian : A new " grant, for which you returned us the greatest " thanks, and which seemed to give you full content. In those troublesome times, even when " the sedition was at the highest, you never " thought of requiring a diminution of the senate's " authority, or an alteration in the form of our " government. By what right then do your tribunes now pretend to carry their inspection, " and give their censure upon what passes in our " deliberations ? When till now was a senator " ever treated as a criminal, for having spoke " his mind freely in the senate ? What laws give " you authority to prosecute his exile or his death, " as you do with so much animosity ? But I will " suppose

" suppose that with an unheard-of subversion
 " of all order, the whole body of the senate is
 " accountable to your tribunes. Let us further
 " suppose that Coriolanus has let slip some words
 " too harsh in delivering his opinion; are you not
 " obliged in equity to forget a few words that were
 " lost in air, in favour of his real services, of which
 " you yourselves have gathered all the fruit? Save
 " the life of so excellent a citizen, save so great a
 " captain for your country; and if you will not ac-
 " quit him as innocent, at least give him as crimi-
 " nial to the whole senate, who intreat this favour
 " of you by my mouth. This will be the bond
 " which uniting us more closely than ever, will be
 " a new motive to the senate to continue their
 " goodness towards you. Whereas if you persist
 " in your resolution of destroying this senator,
 " perhaps the opposition you may meet with from
 " the patricians may produce calamites that may
 " make you repent of having pushed your re-
 " sentmen too far."

This discourse made an impression upon the multitude, and brought them to an inclination for peace and union. Sicinius was surprised and confounded at this turn: but dissembling his ill designs, he gave great praises to Minutius and all the senators, for having been pleased to condescend so far as to account to the people for their conduct, and for not having disdained to interpose their prayers and good offices in favour of Coriolanus. Then turning to that Senator: " And you, ex-
 " cellent citizen, says he in an ironical tone, will
 " you not still defend before the people that ad-
 " vice so useful to the public, which you proposed
 " so boldly in the senate? or rather why have you
 " not recourse to the clemency of the Roman peo-
 " ple? It is likely Coriolanus thinks it below his
 " courage to debase himself so far as to ask pardon
 " of those whom he thought to destroy." The
 artful

artful tribune spoke to him in this manner, because he was persuaded that a man of Coriolanus's character, who was incapable of stooping or changing his opinion, would provoke the people afresh by the haughtiness of his answers. He was not deceived in his hopes ; for Coriolanus was so far from owning himself guilty, or endeavouring to pacify the people, as Minutius had done, that on the contrary he quite destroyed the effect of that consul's speech, by an ill-timed resoluteness, and by the harshness of his expressions. He inveighed more violently than ever against the enterprizes of the tribunes, and declared boldly that the people had no right to judge a senator : but that if any man was offended at what he had said in the senate he might summon him before the consuls and the senators, whom he acknowledged for his natural judges, and before whom he should be always ready to give an account of his behaviour.

The young senators, charmed with his intrepidity, and overjoyed to have a man that durst speak openly what they all thought cried out, that he had advanced nothing but what was conformable to the laws : but the people, who thought themselves despised, resolved to make him feel their power. They immediately proceeded to his trial as a rebel, and a citizen that refused to acknowledge the authority of the Roman people. Sicinius, after having consulted apart with his colleagues, without so much as giving himself the trouble to collect the voices of the assembly, pronounced sentence of death upon him, and ordered him to be thrown down from the Tarpeian rock ; a punishment which they inflicted upon the disturbers of their country.

The aediles, who were the usual ministers of all the violences of the tribunes, drew near to lay hold of his person ; but the senate and all the patricians in the assembly ran to his assistance * ;

* D. H. I. 2. Plut. in Cor.

they placed him in the midst of them, and making arms of whatever their indignation and rage offered to them, they seemed resolutely determined to oppose force with force.

The people, who are always afraid of those who do not fear them, refused to give assistance to their enemies, and remained in a kind of suspense ; either not daring to attack a body in which they saw their magistrates and captains, or thinking their tribunes had carried their animosity too far, in condemning a citizen to death for mere words. Sicinius, who was afraid Coriolanus would escape him, called aside Brutus, his counsellor and his oracle, as seditious as himself but less hasty, and whose schemes were deeper laid. He privately asked him his opinion upon this irresolution in the people which broke all his measures.

Brutus told him, that he must never think of destroying Coriolanus so long as he was guarded by the whole body of the nobility ; that it had even occasioned a murmur in the assembly, that he should pretend to be both judge and party at the same time : that the people who turn in an instant from the most violent fury to sentiments of compassion, looked upon his death to be too rigorous a sentence ; that in the disposition which mens minds seemed to be, he certainly would never succeed by methods of violence ; but that with the old and specious pretence of desiring to do nothing but what was according to the forms of justice, he should demand of the senate, that Coriolanus should be tried by the assembly of the people ; and above all, he should at any rate get the assembly to be convened by tribes, wherein the voices were reckoned by their number, lest if they gave their votes by centuries, the rich patricians, who could themselves make a majority, should save Coriolanus.

Sicinius being resolved to follow this advice, made

made a sign to the people, that he was going to speak : And silence being made for him ; " You see, O Romans, says he, that it is not the fault of the patricians, that much blood is not shed this day, and that they are ready to come to the greatest extremities to rescue the declared enemy of the Roman people out of the hands of justice. But it is our duty to set them better examples; we will do nothing so rashly. Tho' the criminal is sufficiently convicted by his own confession, we are yet willing to give him time to prepare his defence. We cite thee, added he, addressing himself to Coriolanus, to appear before the people in seven and twenty days. As for the distribution of the corn, if the senate does not take due care of that matter, the tribunes will give directions about it themselves ; " and with this he adjourned the assembly.

The senate, during this interval, to take off the bitterness of the people, fixed the price of corn at the lowest rate that it had ever been at even before the sedition, and the consuls entered into conference with the tribunes upon the affair of Coriolanus, in hopes to appease them, and to bring these popular magistrates to conform to the ancient rules of the government. Minutius, who spoke for the rest, represented to them, that ever since the foundation of Rome, that respect had always been paid to the senate, that no affair was ever referred to the judgment of the people, any otherwise than by a *senatus consultum* : that the kings themselves had always had this deference for so august a body. He exhorted them to conform to the usage of their ancestors. But that, if they had any considerable grievances to lay to the charge of Coriolanus, they should apply to the senate who would do them justice, and who, according to the nature of the crime, and the solidity of their proofs, would refer it

it by a *senatus consultum* to the judgment of the people, who then, and not till then, would have a right to try a citizen.

Sicinius withheld this proposal with his usual insolence, and declared that he would never suffer the authority of the Roman people to be decided by a *senatus consultum*. His colleagues, who meant as ill as he did, but who were more skilful in the conduct of their designs, plainly found they should make themselves odious even to the plebeians, if they so publicly deviated from the usual forms of justice; thus they obliged Sicinus to desist from his opposition, under pretence of doing it out of deference for the consuls. But this complaisance was of so much the less moment, as they had taken a firm resolution, if the *senatus consultum* was not such as they desired, to make use of the *lex valeria*, in order to appeal to the assembly of the people, by which means this affair was still to come before their tribunal, so that the whole question was whether it should be carried thither in the first or second instance.

Thus the tribunes readily agreed, that the senate should decide as usual, whether the people should take cognizance of this accusation; and they only desired, that they might be heard in the senate with relation to the grievances which they pretended they had to lay to the charge of the person accused.

The consuls and the tribunes having agreed upon this preliminary form, those magistrates of the people were the next day introduced into the senate Decius, one of those tribunes, though the youngest, spoke for the rest; and that honour was done him because of his eloquence, and the readiness with which he expressed himself in public; a qualification absolutely necessary in all popular governments, and especially at Rome, where the talent of elocution was no less requisite in order to obtain

ment, than courage and valour. That tribune addressing himself to the whole senate, " You know, conscript fathers, says he, that having driven out the kings by our assistance, you established in the republic the form of government which we now observe, and of which we do not complain. But you cannot be ignorant too, that in all the differences which any poor plebeian had afterwards with a noble or patrician, that plebeian constantly lost his cause, their adversaries being their judges, and all the tribunals being filled with patricians. This abuse was what made P. Valerius Publicola, that wife consul, and excellent citizen, establish the law which granted an appeal to the people from the decrees of the senate, and the judgments of consuls.

" Such is the law called *Valeria*, which has always been looked upon as the basis and foundation of the public liberty. It is to this law that we now fly for redress, if you refuse us the justice we demand upon a man blackened with the greatest crime, that it is possible to commit in a republic. It is not a single plebeian complaining; here is the whole body of the Roman people, demanding the condemnation of a tyrant that has gone about to destroy his fellow-citizens by famine, that has violated our magistracy, and by forcible methods driven back our officers, and the ædiles of the commonwealth. Coriolanus is the man we accuse of having proposed the abolition of the tribuneship, a magistracy made sacred by the most solemn oaths. What need is there for a *senatus consultum* to prosecute a crime like this? Does not every man know that those particular decrees of the senate are requisite only in unforeseen and extraordinary affairs, for which the laws have as yet made no provision? But, in the present case, where the

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“ law is so direct, where it so expressly devotes
“ to the infernal gods those that infringe it ;
“ is it not making one’s self an accomplice in the
“ crime to hesitate in the least ? Are you not ap-
“ prehensive that these affected delays in pronoun-
“ cing sentence upon the criminal, upon pretence
“ of an imaginary necessity of a *senatus consultum*,
“ will make the people inclined to believe that Co-
“ riolanus only spoke the sentiments of you all ?

“ I know that several among you complain it
“ was merely by violence that we extorted your
“ consent for the abolition of the debts, and the
“ establishment of the tribuneship. I will even
“ suppose that in the high degree of power to
“ which you had raised yourselves since the expul-
“ son of the kings, it was neither convenient nor
“ honourable for you to yield up part of it in fa-
“ vour of the people ; but you have done it, and
“ the whole senate is bound by the most solemn
“ oaths never to undo it. After the establishment
“ of these sacred laws, which render the persons
“ of our tribunes inviolable, will you, out of
“ compliance to the first ambitious man that a-
“ rises, attempt to revoke what indeed makes the
“ security and peace of the state ? Certainly you
“ you never will : and I dare answer for you, so
“ long as I behold in this assembly those venerable
“ magistrates that had so great a share in the
“ treaty made upon the Mons Sacer. Ought so
“ great a crime be suffered to be brought so much
“ as into deliberation ? Coriolanus is the first that
“ by his seditious advice endeavoured to break
“ those sacred bonds which unite the several orders
“ of the state. It is he alone that is for destroy-
“ ing the tribunitian power, the people’s asylum,
“ the bulwark of our liberty, and the pledge of
“ our re-union. In order to force the people’s
“ consent, he endeavours to effect one crime by
“ means of a greater. He has dared in a holy
“ place

" place, and in the midst of the senate, to propose
" to suffer the people to die of hunger. Cruel
" and unthinking man at the same time ! did he
" not consider that the people whom he meant to
" exterminate with so much inhumanity, who are
" more numerous and powerful than he could
" wish, being reduced to despair, would have
" broken into the houses of the rich, forced open
" those granaries and those cellars which conceal-
" ed so much wealth ; and that either they would
" have fallen under the power of the patricians,
" or that these latter would themselves have been
" totally rooted out by an enraged populace, who
" then would have hearkened to no law but what
" was dictated to them by their necessity and re-
" sentment ?

" For that you may not be unacquainted with
" the truth, we would not have perished by a fa-
" mine brought upon us by our enemies. But
" after having taken to witness the gods, avengers
" of injustice, we would have filled Rome with
" blood and slaughter. Such had been the fatal
" success of the counsels of that perfidious citizen,
" if some senators, who had more love for their
" country, had not hindered them from taking
" effect. It is to you, conscript fathers, that we
" address our just complaints. It is your aid,
" and the wisdom of your decrees, that we call
" upon to oblige this public enemy to appear be-
" fore the whole Roman people assembled by
" tribes to answer for his pernicious counsels. It
" is there, Coriolanus, that thou must defend thy
" former sentiment, if thou darest so to do, or
" excuse them as proceeding from want of
" thought : take my advice ; leave thy haughty
" and tyrannical maxims ; make thy self less ; be-
" come like us ; nay put on habits of mourning,
" which are so conformable to the present state of
" thy fortune. Implore the pity of thy fellow--

" citizens, and perhaps thou mayest obtain their favour, and the forgiveness of thy faults."

This tribune having left off speaking, the consuls asked the opinion of the assembly : They began with the consulars and the oldest senators ; for in those days *, says Dionysius Halicarnassus, the young senators were not so presumptuous as to think themselves capable of instructing their seniors. Those young men who were modest and reserved, without daring to speak, only declared their opinion by some sign, or by going over to that side which they thought most just. It was from this respectful way of declaring their minds, that they were called *Senatores Pedarii*, because their opinion was known only by the side to which they went over : thus it was a common saying, that a pedarian opinion was like a head without a tongue.

All the senators waited, out of different motives, some with desire, and others with uneasiness, to hear how Appius Claudius would declare himself. When it was his turn to speak, " You know, conscript fathers, says he, that I have long and frequently opposed, even alone, the ease with which you grant the people whatever they demand. I know not whether I have not been troublesome in repeating to you the fatal presages which I drew from the union that was proposed to you with those deserters of the commonwealth. The event has but too truly answered my just suspicions. The share of the magistracy which you yielded up to those seditious men, is now turned against yourselves. The people punishes you by means of your own favours ; they take advantage of your goodness to ruin your authority. It is in vain you try to hide even from yourselves the danger which the

* L. 7. p. 453.

" senate

" senate is in ; you cannot but see that their design
 " is to change the ancient form of our govern-
 " ment : the tribunes to bring about their private
 " views, make gradual advances to the tyranny.
 " At first they demanded only the abolition of the
 " debts ; and this people, who are now so haugh-
 " ty, and who endeavour to make themselves the
 " supreme judges of the senators, then thought
 " they stood in need of a pardon, for the disre-
 " spectful manner in which they sued for that
 " first concession.

" Your easiness gave occasion to new preten-
 " sions ; the people would have their particular
 " magistrates. You know how earnestly I op-
 " posed these innovations ; but in spite of all I
 " could do, you assented in this point also ? you al-
 " lowed the people to have tribunes, that is to say,
 " perpetual ringleaders of sedition. The people,
 " intoxicated with fury, would even have this new
 " magistracy consecrated in a particular manner,
 " which had never been allowed to the consulship
 " itself, the first dignity in the republic. The senate
 " consented to every thing, less out of kindness
 " for the people than want of resolution ; the per-
 " son of the tribunes was declared sacred and in-
 " violable, and a law made to that effect. The
 " people required that it should be confirmed with
 " the most solemn oaths ; and that day, my fa-
 " thers, you swore upon the altars the destruction
 " of yourselves and children. What has been the
 " fruit of all these favours ? Your easiness has on-
 " ly served to make you contemptible in the eyes
 " of the people, and to increase the pride and in-
 " solence of their tribunes. They now begin to
 " set up new rights for themselves ; and these mo-
 " dern magistrates, who ought to live merely like
 " private men, take upon them to convene the as-
 " semblies of the people, and without our privity

" procure laws to be enacted by the voices of a
" base rabble.

" And yet it is so odious a tribunal that they
" now summon a patrician, a senator, a citizen of
" your order; Coriolanus that great captain, and
" that good man, yet more illustrious for his ad-
" herence to the interests of the senate than for his
" valour. They presume to make it a crime in a
" senator to speak his opinion in full senate,
" with that freedom which is so becoming a Ro-
" man; and if you yourselves had not been his
" buckler and defence, they had assassinated, even
" in your presence, one of your most illustrious
" citizens. The majesty of the senate was just go-
" ing to be violated by so base a murder; the re-
" spect due to your dignity was quite forgot, and
" you yourselves were losing your liberty and
" empire.

" The resolution and courage which you shewed
" upon this last occasion, in some measure awaked
" these madmen from their drunken fit. They
" seem now to be ashamed of a crime that they
" could not compleat; they desist from the vio-
" lent methods which they found would not suc-
" ceed, and seemingly have recourse to justice, and
" the rules of the law.

" But what is this justice, immortal gods, which
" these men of blood would introduce! they en-
" deavour by submissive means to surprise you in
" to a *senatus consultum*, that may give them power
" to drag the best citizen of Rome to punishment.
" They alledge the *Lex Valeria* as the rule of your
" conduct; but does not every body know, that this
" law, which allows of appeals to the assembly of
" the people, relates only to such poor plebeians,
" as being destitute of all other protection, might
" be oppressed by the credit of a strong cabal?
" The text of the law is plain; it expressly says,
" that a citizen condemned by the consuls should
" have

" have liberty to appeal to the people. Publicola
" by this law only gave an assylum to those un-
" happy men that had reason to complain of ha-
" ving been condemned by prejudiced judges. The
" design of the law was only to have their causes
" heard over again; and when you afterwards
" consented to the creation of the tribunes, neither
" you, nor even the people themselves, ever in-
" tended any thing more in the establishment of
" these new magistrates, than that this law might
" be furnished with protectors, and the poor with
" advocates that might prevent their being oppres-
" sed by the great. What relation is there between
" such a law and the case of a senator of an or-
" der superior to the people, and who is account-
" able for his conduct to none but the senate?
" To shew that the *Lex Valeria* relates only to pri-
" vate plebeians; for about seventeen years that
" it has been made, let Decius only give me an in-
" stance of one single patrician that was ever called
" in judgment before the people by virtue of that
" law, and our dispute will be at an end. And
" indeed what justice would there be in delivering
" up a senator to the fury of the tribunes, and to
" suffer the people to be judges in their own
" cause; as if their tumultuous assemblies, directed
" by such seditious magistrates, could be without
" prejudice, without hatred, and without passion?
" Thus, O fathers, it is my advice, that before you
" determine upon any thing, you maturely weigh
" that in this affair your interests are inseparable
" from those of Coriolanus; for the rest, I am
" not for your revoking the favours you have
" granted the people, by whatever means they ob-
" tained them; but I cannot forbear exhorting
" you to refuse boldly for the future whatever
" they shall think to get of you contrary to
" your own authority, and the form of our go-
" vernment."

It

It is plain by these two opposite speeches of Decius and Appius, that the business of Coriolanus was only used as a colour to affairs of greater importance. The true cause of the dispute and animosity between the two parties was this, That the nobles and patricians affirmed, that by the expulsion of the kings they succeeded in their authority, and that the government ought to be purely aristocratic ; whereas the tribunes, by new laws, endeavoured to turn it into a democracy, and to bring the whole authority into the hands of the people, whom they governed as they pleased. Thus ambition, interest, and jealousy animated the two parties, and made the wisest men apprehensive of a new separation, or of a civil war.

This was what Valerius, that consular who had been so serviceable in the agreement upon the Mons Sacer, represented to the senate in terms equally strong and moving. He was a true republican, and was displeased to see the nobles, and all those of his order, constantly affecting a distinction and power ever odious in a free state. As he was master of a sweet insinuating eloquence, he first spoke much in general of the benefits of peace, and of the necessity of preserving union in the republic. Then he proceeded to the affair of Coriolanus, and declared himself for referring the cognizance of it to the assembly of the people. He maintained that the senate, by letting go some little of its authority, secured the duration of it ; that it would be stronger if it were less, and that nothing was more likely to disarm the people's rage against that illustrious criminal, than the granting them the judgment of him : That the multitude, charm'd with such condescension, would abstain from condemning a man whom they knew to be so dear to the senate : And that to appease them compleatly, he would have all the senators disperse themselves among the assembly, and each endeavour by a more gentle and popular

popular behaviour, to win over the plebeians he was acquainted with.

Valerius then turning to Coriolanus, besought him in the most tender manner to give peace to the republic : " Go, Coriolanus, says he, offer yourself " generously to the people's judgment ; this is the " only way of justifying yourself that is worthy of " you ; this is the surest means to silence those " who accuse you of aiming at the tyranny. The " people, moved with beholding so great a soul " bending under the power of their tribunes, can " never bring themselves to pronounce sentence of " condemnation upon Coriolanus ; whereas, if " you persist in shewing a contempt for that tri- " bunal, if you decline their justice, and continue " obstinately resolute to be tried only by the con- " fuls, you will occasion a contest between the se- " nate and the people, and kindle a dreadful sedi- " tion. You alone will be the fatal torch ; and " who can tell how far the flame may run ? Set " before your eyes the frightful image of a civil " war : the laws without force : the magistrates " without power ; fury and violence possessing " both parties : fire and sword gleaming on all " sides, and your fellow citizens murdering each " other : the wife calling upon you for her hus- " band, the father for his children ; all loading " you with imprecations. Lastly, consider Rome, " to whom the gods have promised so glorious a " destiny, sinking under the rage of the two par- " ties, and buried beneath her own ruins."

Valerius, who sincerely loved his country, softened by the idea of these great calamities, could not restrain his tears, which fell in spite of himself ; and the tears of a consular, venerable for his age and dignities, more eloquent even than his discourse, touched the greater part of the senators, and disposed their minds to peace.

Then

Then Valerius, finding that he was master of the assembly, raised his voice, and as if he had got fresh strength, or were become another man, shewed himself undisguised, and spoke to them with that authority which his age and long experience in affairs gave him. " We are made to fear, cries " he, that the public liberty will be in imminent " danger, if we grant so much power to the peo- " ple, and allow them to try those of our order " that shall be accused by the tribunes. I am per- " suaded on the contrary, that nothing is more " likely to preserve it. The republic consists of " two orders, patricians and plebeians ; the ques- " tion is, which of those two orders may most safe- " ly be trusted with the guardianship of that sacred " depositum, our liberty. I maintain that it will be " more secure in the hands of the people, who " desire only not to be opprest, than in those of " the nobles who all have a violent thirst of domi- " nation. These patricians, invested with the prime " magistracies, distinguished by their birth, their " wealth and their honours, will always be power- " ful enough to hold the people to their duty : " And the people, when they have the authority " of the laws, being naturally haters and jealous " of all exalted power, will by their watch- " fulness over the actions of the great, strike " the terror of the severity of their judgments in- " to such of the patricians as might be tempted to " aspire to the tyranny. You abolished the roy- " alty conscript fathers, because the authority of " a single man grew exorbitant. Not satisfied " with dividing the sovereign power between two " annual magistrates, you gave them besides a " council of three hundred senators to be in- " spectors over their conduct and moderators of " their authority. But this very senate, so formi- " dable to the kings and to the consuls, has no- " thing in the republic to balance their power.

" I know

" I know very well that hitherto, thanks be to
" the gods, we have had all the reason in the world
" to be contented with their moderation. But
" then I know not whether we are not obliged for
" this to the fear of our enemies abroad, and to
" those continual wars which we have been forced
" to maintain; but who will be answerable that
" for the future our successors, growing more
" haughty and more potent by a long peace, may
" not make attempts upon the liberty of their
" country, and that in the very senate itself some
" strong faction may not arise, whose leader may
" find ways to become the tyrant of his country,
" if there be not at the same time out of the
" senate some other power, which by means of
" the accusations to be brought into the assembly
" of the people, may be able to withstand the am-
" bitious enterprizes of the great ?

" Perhaps the question may be started, Whether
" the same inconveniency is not to be apprehend-
" ed from the part of the people, and whether it
" is possible to make sufficient provision, that there
" shall not at some time arise among the plebeians,
" a head of a party that will abuse his influence
" over the minds of the multitude, and under
" the old pretence of defending the people's inte-
" rests, in the end oppress both their liberty and
" that of the senate ? But you must needs know,
" that upon the least danger which the republic
" may seem to be in on that side, our consuls have
" power to name a dictator, whom they will never
" chuse but from among your own body; that this
" supreme magistrate, the absolute master of the
" lives of his fellow-citizens, is alone able by his
" authority to dissipate a popular faction; and the
" wisdom of our laws has allowed him that for-
" midable power but for six months, for fear he
" should abuse it, and employ in the establishment
" of his tyranny, an authority intrusted with him

" only.

" only to destroy that of any other ambitious men. Thus, added Valerius, with a mutual inspection the senate will be watchful over the behaviour of the consuls, the people over that of the senate ; and the dictator, when the state of affairs requires the interposition of such an office, will serve as a curb to the ambition of both. The more eyes that there are upon the conduct of every branch of our legislature, the more secure will be our liberty, and the more perfect our constitution."

Other senators, who were of the same opinion, added, that nothing was more likely to preserve their liberty, than to allow every Roman citizen comprised in the census, the privilege of impeaching before the assembly of the people, any that should violate the laws ; that this-right of accusation would not only keep the great in awe, but also be serviceable in giving vent to the murmurs of the people, which without those complaints might run up to sedition. Thus it was resolved by plurality of voices to leave this affair to the judgment of the people. And this was the more willingly agreed to, because the petition which the tribunes had first made for a *senatus consultum* to empower them to prosecute the accused, would, for the future, stand as a new precedent of the senate's privilege and authority. Though this society knew they were about to sacrifice an innocent man to the passion of his enemies, the public quiet prevailed above any private concern, and the *senatus consultum* was immediately drawn. But before it was signed, Coriolanus, who found the senate were giving him up, desire leave to speak ; and having obtained it, " You know, conscript fathers, says he, addressing himself to the senators, what the whole course of my life has hitherto been. You know that this obstinate hatred of the people, and that unjust persecution which I now suffer from it,

" are occasioned only by the inviolable zeal which
" I have always shewn for the interests of this
" body. I will not insist upon the returns I now
" meet with; the event will shew the weakness
" and perhaps the malice of the counsels which
" are given you in this affair. But since Valerius's
" opinion has at length prevailed, let me know at
" least what is the crime that I am charged with,
" and upon what conditions I am delivered over to
" the fury of my adversaries."

Coriolanus said this *, to find out whether the tribunes would ground their accusation upon the speech he had made in full senate. This was indeed the only cause of the rage of the tribunes against that senator, whom they could never forgive the proposal he had made to abolish the tribuneship; but as they feared they should make themselves too odious to the senate, if they pretended to call every senator to account for the opinions he should give in the public deliberations, they declared, after conferring together, that they would confine their whole accusation to the single crime of tyranny.

" If it be so, replied Coriolanus, and I have nothing to clear myself of but a calumny so ill-grounded, I freely yield myself to the judgment of the people, and do not oppose the signing of the *senatus consultum*." The senate was not displeased to see the affair take this turn, and that no mention would be made of what had passed in the last assembly, which must have brought the honour and authority of their body into the dispute. Thus, with the consent of all parties, the decree was signed, allowing the person accused seven and twenty days to prepare his defence. This decree was put into the hands of the tribunes, and for fear lest notwithstanding their promise they should still pretend

* D. H. 1.7. p. 462.

in the assembly of the people to urge as an article against Coriolanus, what he had advanced with relation to the tribuneship and the price to be fixed upon the corn ; they made another *senatus consultum*, discharging him from all prosecutions that might be raised against him upon either of those accounts : a precaution which the senate took, that they might not have the uneasiness to see it discussed before the people, how far the senators might carry the freedom of their opinions. The tribunes, after having read the senate's decree in the first assembly of the people, exhorted all the citizens of the republic, as well those that dwelt in Rome, as the inhabitants of the country, to be at the forum on the day appointed for the decision of this business. Most of the plebeians waited impatiently till the time should come when they might signalize their hatred against Coriolanus, and they seemed as zealous against that senator as if his destruction were the safety of the republic.

At length the fatal day appeared when this great affair was to be decided ; and an innumerable multitude crowded the forum very early in the morning. The tribunes, who knew what they did, separated them by tribes before the senators came ; whereas, from the reign of Servius Tullius, the voices had always been gathered by centuries. This single difference gave the deciding turn to this affair, and always afterwards was sufficient to weigh down the scale in favour either of the people or of the patricians. The consuls being come to the assembly, were for keeping up the ancient custom, not doubting but they could save Coriolanus if the voices were reckoned by centuries, in which the patricians themselves and the richest citizens had the majority. But the tribunes no less artful, and more resolute, alledged that in an affair which concerned the rights of the people and the public liberty, it was but just that every citizen,

citizen, without respect to wealth or rank, should have his vote in particular, and loudly declared they would never consent that the voices should be collected otherwise than by tribes and by tale. This dispute was carried very far; but at length the senate, who would not make Coriolanus's accusation a contest of their own, and who were apprehensive their authority would be attacked directly, gave way as usual to the obstinacy of the magistrates of the people.

However, Minucius the first consul, to hide, if possible, the weakness and indeed the scandal of this conduct in the senate, mounted the rostrum: He opened his discourse with the advantages flowing from peace and union, and the calamities which attended discord. From these common places, he proceeded to the affection which the senate had for the people, and the favours it had heaped upon them at several times. He declared that all the return they asked was Coriolanus's discharge, and exhorted the plebeians to consider less a few words which had escaped him in the heat of his discourse, than the important services which that generous citizen had done the commonwealth: "Be satisfied, Romans, added he, with the submission of that great man; and let it not be said, that so illustrious a citizen underwent the forms of justice like a criminal." Sicinius answered, that if such indulgence were to take place in the government of states, none would be secure. That all who had done great services, might then attempt the most unjust actions with impunity, That in monarchies the king had power to forgive; but in commonwealths the laws alone governed, and those laws, deaf to all solicitations, punished guilt with the same strictness of justice, that they rewarded virtue.

" Since, notwithstanding our intreaties, replied Minutius, you obstinately insist that Coriolanus

" shall be tried by the suffrages of the assembly,
 " I demand that, pursuant to your agreement
 " with the senate, you confine your accusation
 " to the single article of tyranny, and bring
 " proofs and witnesses of this crime. For, added
 " the consul, as to what he has said in our assem-
 " blies; besides that you have no right to take
 " cognizance of any thing of that nature, the se-
 " nate has discharged him of it." And as a proof
 of what he said, he read aloud the *senatus consul-*
rum relating to it: he then came down from the
 rostrum; and this was all the assistance that the il-
 lustrious criminal received from the timorous poli-
 cy of the senate.

Sicinius then arose, and represented to the people, That Coriolanus, a descendant from the kings of Rome, had long sought to make himself the tyrant of his country. That his birth, his courage, those numerous adherents who might be called his first subjects, made him but too suspicious. That they could not be too fearful, that the valour so much cried up by the patricians would be pernicious to his fellow-citizens. That he was too guilty the moment he had rendered himself suspected and formidable. That in matter of government, the bare appearance of affecting the tyranny was a crime worthy of death, or at least of banishment. Sicinius would not explain himself more openly, before he had heard Coriolanus's defence, to the intent, that in his reply he might play the whole strength of his accusation against the parts most weakly defended: an artifice which he had concerted with Decius, who was to speak in his turn to this affair.

Coriolanus then presented himself in the assembly with a courage deserving a better fortune, and answered the suspicions, which the tribune had endeavoured to throw so maliciously upon his conduct, with a bare recital of his services. He began with

with his first campaigns, he gave an account of all the engagements in which he had fought, the wounds he had received, the military honours which his generals had bestowed upon him; and lastly, the several posts in the army through which he had gradually passed. He exposed to the view of the whole people a great number of different crowns, which he had received either for mounting the breach first in assaults; or for having first broke into the enemy's camp; or lastly, for having in various battles saved the lives of a great number of citizens. He called them aloud, each by his name, and cited them as witnesses of what he advanced. Those men, who were mostly plebeians, immediately arose, and gave public testimony of the obligations they lay under to him.

" We have frequently, cried they, beheld him singly break through the closest battalions of the enemy to save a citizen oppressed with numbers.

" It is by him alone we live, and that we now see ourselves in our own country, and in the embraces of our families. Our gratitude is urged against him as a crime; that great man, and that excellent citizen is accused of evil designs,

" because they whose lives he has saved attend him in his train like his clients. Can we do otherwise without the most detestable baseness? Can our interests ever be divided from his? If you only desire a fine, we offer all we have in the world: if you condemn him to exile, we banish ourselves with him: And if the obstinate fury of his enemies would have his life, let them take ours rather. They are his, by the justest of titles: We shall only restore him what every one of us owes wholly to his valour, and we shall save to the republic a most valuable citizen."

Those generous plebeians in pronouncing these words shed floods of tears, stretched out their hands

hands to the assembly after the manner of suppliants, and endeavoured to work upon the multitude. Then Coriolanus, tearing away his robe, shewed his breast all covered with the scars of a great number of wounds which he had received :
 " It was to save these worthy men, says he, it was to
 " rescue these good citizens out of the hands of our
 " enemies, that I have a thousand times ventured
 " my life. Let the tribunes, if they can, shew
 " how such actions can stand with the treacherous
 " designs which they lay to my charge. Is it pro-
 " bable, that an enemy of the people would expose
 " himself to so many dangers in war to save those
 " very men whom he is accused of endeavouring
 " to destroy in peace ? "

This discourse, supported by a noble air, and that confidence which flows from innocence and truth, made the people ashamed of their malice. The best men of that order cried out, that they ought to acquit so good a citizen. But the tribune Decius, alarm'd at this change, rising up, as he had agreed with his colleague Sicinius, " Though
 " the senate does not allow us, says he, to prove
 " the ill designs of this enemy of the people, by
 " the odious words which he spoke in full senate,
 " we shall not want other proofs no less essential.
 " I will only mention some actions where that
 " spirit of tyranny and pride are no less apparent.
 " You know that according to our laws, the spoils
 " of the enemy belong to the Roman people ; that
 " neither the soldiers, nor their general himself has
 " power to dispose of them : but that all ought to
 " be sold, and the price arising from them carried
 " by a quæstor into the public treasury ; such is
 " the usage and constitution of our government.
 " Nevertheless, contrary to these laws, which are
 " as antient as Rome itself, Coriolanus having got
 " a considerable booty in the territories of the

" Antiates

" Antiates, divided it among his friends by his
" private authority ; and the tyrant gave them the
" people's due, as the first fruits of their conspir-
" acy. He must therefore either deny a notori-
" ous fact, and say, that he did not dispose of
" this booty, or else maintain that he had power
" to do it without violating the laws. So that
" without sheltering himself under these vain ex-
" clamations of his adherents, or all those scars
" which he shews with so much ostentation, I call
" upon him to answer to this one article which I
" urge against him."

It is true, Coriolanus had made this distribution of the plunder, or rather had suffered his soldiers to take each his share. But he was so far from disposing of it only in favour of his friends and creatures, as was objected to him, that it is certain, his soldiers, who made part of that very people who now prosecuted him with so much violence, received the whole benefit of that pillage. To explain this fact, it is necessary to be informed that the Antiates taking advantage of the famine with which Rome was afflicted, and of the discord which raged between the people and the senate, had made incursions up to the very gates of the city, and yet the people could not be prevailed upon to march out to drive back the enemy. Coriolanus could not bear this insult : he asked leave of the consuls to take arms. He put himself at the head of his friends, and to induce the plebeian soldiers to follow him, promised to bring them home laden with booty. The soldiers, who were well acquainted with his valour and experience in war, and who besides found themselves sharply prest by hunger, crowded to his standard. Coriolanus, followed by the bravest plebeians, marched out of Rome, surprised the enemies scattered all over the country, beat them in several engagements, drove them quite into their own territories, and at last forced

forced them to shut themselves up in Antium. He then used reprisals, and while he held the gates of that city as it were sealed up by the fear of his arms, and the terror of his name, his soldiers in their turn ravaged their territory, cut down their corn, and gathered in their harvest sword in hand. That general gave his consent to their keeping this grain, only to help them to support their wives and children, and by their example to incite the rest of the plebeians to seek provisions boldly in the country of their enemies.

But those of the people who had not had any hand in this expedition, could not without a secret jealousy behold Coriolanus's soldiers return into Rome laden with corn. Decius, who had discovered these sentiments in them, resolved to improve them to his own ends, and doubted not but those plebeians, envious of the good fortune of their neighbours, would readily condemn Coriolanus for a generous action by which they themselves had received no benefit.

That tribune, who was urgent and audacious, insolently asked Coriolanus whether he was king of Rome, and by what authority he had disposed of what belonged to the republic. Coriolanus, surprised at an acusation against which he had prepared no defence, contented himself with giving a bare relation of the matter of fact, as we have stated it. He represented that one part of the people had received the advantage of the spoils of the enemy, and called with a loud voice the centurions and chief of the plebeians that went with him in that incursion, to bear testimony to the truth. but those who had not been sharers in the corn of the Antiates, being more numerous than Coriolanus's soldiers, made so much noise, that those captains could not be heard. The tribunes finding the people were blown up again to their former animosity, laid hold of this opportunity to collect the

the suffrages ; and Coriolanus was at length condemned to perpetual banishment.

Most of the nobles and patricians thought themselves in a manner banished with this great man *, who had always been the defender and supporter of their order. At first they were under a general consternation ; but indignation and rage quickly succeeded. Some reproached Valerius, that he had mis-led the senate by his artful discourses ; others reproached themselves for their excess of condescension to the people ; all repented that they had not rather endured the last extremities, than have abandoned so illustrious a citizen to the insolence of a seditious rabble.

Coriolanus, alone unconcerned in appearance at his disgrace, left the assembly with the same tranquillity as if had been acquitted. He went first to his house, where he found his mother, named Veturia, and Volumnia his wife all drowned in tears, and in the first transports of their grief. He exhorted them in few words to bear this reverse of fortune with constancy ; and after having recommended to them the care of his children, which were yet but infants, he strait left his house and Rome, single, and without permitting any of his friends to accompany him, or any of his servants or slaves to attend him. Some patricians and some young senators only went with him to the gates of the city ; but without speaking one word to them, or uttering the least complaint, he parted from them, neither thanking them for what was past, nor entreating them about the future.

Never did the people testify more joy, no not even upon vanquishing the greatest enemies of Rome, than they shewed for the advantage they had now gained over the senate and the body of

* D. H. l. 7. Plut in Coriol. Liv. Dec. 1, l. 2.

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*Year of
Rome
262.*

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the nobility. The form of the government received an absolute change by the condemnation and exile of Coriolanus ; and the people, who before were dependent upon the patricians, were now become their judges, and had got themselves a right to decide the fate of the greatest in the commonwealth.

And indeed the sovereign authority was now passed from the senate into the assembly of the people * ; or, to speak more truly, into the hands of their tribunes, who, under pretence of defending the concerns of private persons, made themselves the arbiters of the government. The consuls alone, those supreme heads of the republic, were the only persons they stood in awe of. It was to weaken their power and credit, that they endeavoured to keep that dignity from falling to any, but patricians devoted to their interests, or so little esteemed as to give them no cause to be apprehensive of any thing they could do. And to prepare the multitude to give their votes conformable to their private views, they with great cunning insinuated in all assemblies, that the best captains were not the most fit to govern a commonwealth. That men of their exalted courage, being always used to an absolute power in the armies, brought home with their victories a spirit of pride, ever dangerous in a free state. That in the fatal obligation the people lay under, to chuse their consuls only out of the body of the patricians, it was of great importance to them to pick out men of but moderate talents, capable of busines, but without too great an elevation and superiority.

The pople, who now only acted according to the impression they received from their magistrates, refused their voices to the greatest men in the republic, in the comitia held in the consulate of Q.

Sulpitius and Sp. Largius for the election of their successors. The senators and patricians were formerly used to dispose as they pleased of that great dignity, because none could be elected, but in an assembly by centuries, wherein the nobility had the majority of voices. But now the people outnumbered the patricians by the artful management of the tribunes, who found ways to gain some and intimidate others *. C. Julius and P. Pinarius Rufus were proclaimed consuls : they were but indifferent soldiers, had no credit in the senate, and would never have attained that dignity if they had deserved it.

*Year of Rome
264.*

We may observe upon this occasion, that the senate and the people, always opposite in their opinions, both acted contrary to their real interests, and seemed to aim at joining two things incompatable. All the Romans, as well patricians as plebeians, aspired to the conquest of Italy ; the command of the armies was reserved to the Patricians only, who were in possession of the dignities of the state ; they had no soldiers but the plebeians, whom they would reduce to that timid submission and that servile dependence, which they could scarce have expected in mean artificers, and a populace bred up and educated in obscurity. The people, on the contrary, powerful, numerous, and full of that ruggedness growing from a continual exercise of arms, in order to lessen the authority of the government, desired no consuls and generals, but what would be indulgent, meek, complacent to the multitude, and such as would behave themselves towards their soldiers, rather with the modest manners of equality, than with that lofty and imperious air which the command of armies naturally gives a general. In order to put an end to the misunderstanding which was between those

* D. H. I. 8.

two orders of the republic, either they ought both of them jointly to content themselves peaceably with the narrow limits of their little state, without undertaking to make conquests ; or the patricians, if they were desirous of subduing their neighbours, should have allowed a greater share in the government to a warlike people, citizens during winter, but soldiers all the summer ; and the people, on their side, should have named to the command none but the best generals in the republic.

I owe this reflection to the events that follow ; and we shall see that it was not long before the people repented their having intrusted the government of the state, and the command of the armies, to two men equally incapable of those functions.

Coriolanus, wandering about after his departure from Rome, did not so much look out for an asylum or retreat, as for means and opportunities of avenging his wrongs. That exalted spirit, that Roman so unmoveable in appearance, being now wholly given over to himself, could not resist the secret motions of his resentment ; and in the designs which he had laid for the destruction of his enemies, he was not ashamed to involve the ruin of his country itself. He spent the first days of his banishment at a country seat. His mind, toss'd about by violent passions, formed successively different schemes. At length, after having cast his eyes upon the several nations, that were neighbours and enemies to Rome, Sabins, Aequi, Tuscans, Volsci, and Hernici, he found none that seemed more inveterate against the Romans, and at the same time more in a condition to enter into a war, than the Volsci the inhabitants of the ancient Latium.

They were a republic, or a community consisting of several little towns united by a league, and governed by an assembly of deputies from each canton. This nation bordering upon Rome, and

jealous of her rising greatness, had always opposed it with remarkable courage; but the war had not been so successful to them as they expected. The Romans had taken from them several small boroughs, and part of their territory; so that in the last war, the Volsci, after having been beaten in several engagements, were at length reduced to a necessity of suing for a truce for two years, in order to get time to repair their broken strength: but this did not lessen the animosity which burned in their hearts; they sought all over Italy to stir up new enemies against the Romans, and upon their resentment it was that Coriolanus built his hopes of engaging them to take up arms again. But he was the most unfit man in the world to persuade them to such a design; he alone had done them more mischief than all the rest of the Romans; more than once he had cut to pieces their troops, ravaged their country, taken and plundered their towns: the name of Coriolanus was as odious as it was formidable throughout the whole community of the Volsci.

Besides, that little republic was then governed by Tullus Attius, the general of that nation, jealous of the glory of Coriolanus, who had beat him in all the occasions wherever they had fought against each other; a disgrace which men would gladly hide even from themselves, but which they never forgive. Nothing could be more dangerous than to put himself into the hands of an enemy, who, to efface the shame of his defeats, might persuade his citizens to destroy him *. All these reasons offered themselves to the mind of Coriolanus; but immoderate thirst of vengeance prevailed in a heart incapable of fear, and he came to a resolution to apply to Tullus himself.

* Livy l. 2. Plut. in Coriol. D. H. init. l. 3. Val. Max. l. 5. c. 2. and 4.

He departed from his retreat in disguise; and in the evening entered Antium, the chief city of the community of the Volsci. He went directly to Tullus's house, with his face covered: He sat him down, without speaking one word, by the domestic hearth, a place sacred in all the houses of ancient Paganism. A behaviour so extraordinary, and a certain air of authority that never abandons great men, surprised the servants; they ran to tell their master. Tullus came, and demanded of him who he was, and what he required of him.

Coriolanus then discovering himself: "If thou dost not yet know me, says he, I am Caius Martius, my surname is Coriolanus, the only reward left me of all my services. I am banished from Rome by the hatred of the people, and the pusillanimity of the great; I seek revenge; it lies in thy power to employ my sword against my foes and thy country's. If thy republic will not accept of my service, I give my life into thy hands; put an end to an old enemy, that may else come to do more mischiefs to thy country."

Tullus, amazed at the greatness of his soul, gave him his hand: "Fear nothing, Martius, says he; thy confidence is the pledge of thy security. By bringing us thyself, thou givest us more than ever thou tookest from us. And accordingly we shall take care to acknowledge thy services better than thy fellow-citizens. So great a captain may justly expect the greatest honours from the Volsci." He then led him into his apartment, where they privately conferred about the means of renewing the war.

We have already said, that there was at this time a truce between the Volsci and the Romans; the business was to bring the former to a resolution of breaking it. But this was not without its difficulties, because of the late losses and defeats which

which the Volsci had suffered in the last war. Tullus, in concert with Coriolanus, sought a pretence to stir up their old animosity. The Romans were preparing to represent some public sports, which were part of the religion of those times; the people about Rome flocked to them from all parts, and there went particularly a great number of the Volsci. They were dispersed in divers parts of the city; nay, there were several that not being able to find hosts to receive them lay under tents in the public places. This great multitude of strangers gave uneasiness to the consuls; and to add to it, Tullus caused a false alarm to be given, that the Volsci were to set fire to several parts of Rome. The consuls made their report of this to the senate; and as they were well acquainted with the inveteracy of that nation, the magistrates caused an order to be published throughout the city, enjoining all the Volsci to depart from it before night, and even prescribing the gate through which they should pass. This order was executed strictly, and all of that nation were instantly driven out of Rome. They carried with them each into his canton the shame of this ill usage, and a strong desire of revenge. Tullus met them in the way as by chance; and after having heard the unworthy manner in which they had been sent out of Rome;

" Is it possible, says he, they could drive you from
" a public festival, and as it were from an assembly
" of gods and men, like the profanest wretches
" and outlaws? Can you, after such vile treat-
" ment, try to conceal from yourselves the irre-
" concileable aversion which the Romans bear
" you? Will you wait, till, spite of the truce
" which has made us lay down our arms, they
" come and surprize you, and lay waste your ter-
" ritories once again?"

An assembly of the states was held tumultuously; the more violent sort were for taking arms imme-

dately, and for carrying fire and sword into the territory of Rome, in revenge for the insult they had received. But Tullus, who directed this affair, advised them before they broke out, to send for Coriolanus into their assembly : " That captain, " says he, whose valour we have so often felt, " now more an enemy to the Romans than the Volsci, seems to have been brought hither by the gods to restore our affairs ; and he will give us no counsels, whereof he will not share the dangers of the execution." The Roman was called, and introduced into the assembly : he appeared with a countenance sad, but resolute at the same time ; all present fixed their eyes attentively upon a man that had been more dreadful to them, than all the rest of the Romans put together ; and they listened to his words with that respect, which is always paid to merit under persecution.

" None of you can be ignorant, says he to them, that I am condemned to perpetual banishment, through the malice or weakness of those who are the authors or accomplices of my disgrace. If I had sought only a place of refuge, I might have retired either among the Latins our allies, or to some Roman colony. But a life so obscure had been to me insupportable, and I always thought it was better for a man to throw it up, than to see himself reduced to such a condition, as to be able neither to serve his friends, nor be revenged upon his enemies. This is my temper : I would deserve by my sword the asylum I ask of you : Let us join our common resentments. You know full well that those ungrateful citizens, who have banished me so unjustly, are your most inveterate foes : Rome, that haughty city, threatens you with her chains. It is your interest to weaken such formidable neighbours : I find, with pleasure, that you are disposed to renew the war, and I confess it is the only

" only way to stop the progress of that ambitious nation. But in order to render this war successful, it is necessary that it should be just in the sight of the gods, or at least appear so before men ; it is necessary that the motive or pretence upon which you shall take up arms, be such as may engage your neighbours, and procure you new allies. Feign that it is your desire to convert the truce which is between the two nations into a solid peace : let the ambassadors that you send to Rome upon this account demand only this one condition, namely a restitution of the lands which have been taken from you, either by the chance of war, or in compulsive treaties. You are not to be informed that the territory of Rome, at the foundation of that city, was at most but of five or six miles extent. That little canton is insensibly become a great country by the conquests or to speak more truly, by the usurpations of the Romans. Volsci, Sabins, *Æqui*, Albans, Tuscans, Latins, in a word, there is not a nation in their neighbourhood from which they have not wrested some of her towns, and part of her territory. These are so many allies that will join with you in an affair which is common to you all, and concerns each of you alike.

" If the Romans, intimidated by the terror of your arms, consent to restore to you the cities, the towns, and the lands which they have stripped you of, then, after your example, the other nations of Italy will demand each the domain that they have lost ; which will, at one stroke, reduce that proud nation to the same state of weakness in which it was in its origin. Or if she undertakes, as I doubt not she will, to hold those usurpations by force of arms, then in a war so equitable you will have both gods and men your friends. Your allies will tye them-

" selves more closely to you ; there will be formed
" a powerful league, capable of destroying, or at
" least of humbling a republic so fastidious I
" will not mention the little capacity I have gained
" in war : soldier or captain, in whatever rank you
" place me, I will gladly sacrifice my life to re-
" venge you of our common enemies."

This discourse was heard with pleasure, as are all those that engage and flatter our passions. War was resolved on ; the community of the Volsci intrusted the conduct of it to Tullus and Coriolanus ; and to bind the Roman more strictly to the Volscian nation, they conferred on him the quality of senator. At the same time, according to his advice, they dispatched ambassadors to Rome ; where they were no sooner arrived, but they represented to the senate that their superiors, after the example of the Latins, aspired to the honour of being allies of the Roman people ; but in order to make this union everlasting, " We demand, said those em-
" bassadors, that the republic restore to us the
" towns and lands which we have lost by the
" chance of war. This will be the surest pledge of
" a solid and lasting peace ; otherwise we cannot
" void taking possession of them again by force of
" arms."

The ambassadors being retired, the senate did not spend much time in deliberation : it was unknown to Rome what it was to yield to menaces ; and it was a fundamental maxim of their government not to submit to an enemy, even though victorious ; so that the embassadors were soon called in again. The first consul replied in few words, that fear would never make the Romans give up what they had conquered by their valour ; and that if the Volsci took arms the first, the Romans would lay them down the last ; with this they were dismissed. The return of these ambassadors was followed by a declaration of war. Tullus and Coriolanus, who foresaw

foresaw the senate's aufer, held their troops in a readiness to enter upon action. Tullus, with a body of reserve, staid in the country to defend the entrance of it against the enemy, while Coriolanus at the head of the main army threw himself into the territory of the Romans and their allies, before the consuls had taken any measures for resisting him. According to Livy, he first drove from Circum a colony of Romans that were established there; but Dionysius Halicarnasseus says, that the inhabitants, intimidated by the approach of the enemy opened their gates, and that Coriolanus only obliged them to furnish him with provisions and cloaths for his soldiers. He then took from the Romans, Satricum, Longulum, Polusca, and Corioli, which they had won but a little before from the Volsci; he also made himself master of Corbio, Vitellium, Trebia, Lobicum, and Pedum; Bola, for making resistance, was carried sword in hand, and the inhabitants given up to the fury of an enemy victorious and enraged. Coriolanus's soldiers, dispersing about the country, carried fire and sword in all parts. But in this general plunder and burning, they had private orders to spare the houses and estates of the patricians. Coriolanus affected so remarkable a distinction, either out of his former love for those of his own order; or, which is more probable, to render the senate suspicious to the people, and to increase the dissentions which were between them.

This conduct had all the effect which he expected from it. The people failed not to accuse the senate publicly of having an understanding with Coriolanus, and of getting him on purpose to come at the head of an army, in order to abolish the tribunitian power. The patricians, on their side upbraided the people, that they had drove so great a captain to throw himself in despair into the party of the enemy. Suspicion, distrust hatred, reigned in both

both factions ; and in these disorders they thought less of repulsing the Volsci, than of decrying and ruining the domestic foe. The two consuls hid behind the walls of Rome, made levies but slowly. Spurius Nautius, and Sextus Furius, who succeeded them, did not shew more courage and resolution. It was visible they were afraid to venture themselves against so great a general. The people themselves, and their tribunes, who were so fierce in the public forum, were in no haste to give their names to be inrolled ; none cared for stirring out of Rome, probably because they had no great opinion of the capacity of their leaders, or because they found themselves deserted by their allies who had changed sides with fortune.

Coriolanus finding no army in the field to oppose his designs, advances still on, takes Lavinium, and at length comes and encamps at the Cluilian trenches five miles distance from Rome.

Upon the fame of this great run of success, most of the Volsci flocked to Coriolanus's army. The very soldiers of Tullus himself, drawn by the hopes of the sack and plunder of Rome, leave their general, and declare they acknowledge no other but the Roman : This was in a manner a fresh victory which Coriolanus gained over Tullus, and which left a sharp resentment in that Volscian's breast. The eyes of all Italy were turned upon the Romans and the Volsci, who only by the change of their generals had felt so great a one in their fortune : so true it is, that the strength of a state consists not so much in the number and bravery of its troops, as in the experience of him who commands them. The consternation was general at Rome. The people, who from the top of their walls behold the enemies spread all over the country, with loud cries demand peace. They say openly in the forum, that they should annul the sentence of condemnation which had past upon Coriolanus, and recall

recall him from his exile : In a word, that very people which had but lately banished him with so much fury, now call for his return with equal violence.

Most of the patricians opposed it, either to remove the suspicion of their having kept up the least intelligence with him, or only out of that spirit of generosity so common among the Romans, which made them never more averse to peace than upon ill success, there then issued from the senate that resolute and haughty answer, which they maintained but indifferently afterwards, That the Romans would never grant any thing to a rebel, so long as he remained in arms.

Coriolanus, acquainted and enraged with this reply, breaks up his camp, marches directly to Rome, and invests the place in order to besiege it. A design so daring throws both the patricians and the people into an equal consternation; all their hearts and resolutions fail them; hatred gives way to fear. The senate and people now jointly concur to sue for peace: They send deputies to Coriolanus, nay and chuse out for this negotiation five men of consular dignity *, and such of the senate as had most firmly adhered to his interests.

The Volsci made these deputies pass through two ranks of soldiers standing to their arms, and Coriolanus surrounded by his chief officers received them seated in his tribunal, with the state of an enemy that was resolved to prescribe the law.

The Romans exhorted him in modest and pathetic terms to give peace to the two nations; and conjured him not to push the advantages which his arms had given the Volsci, so far as to forget the welfare of his country. But they received only this severe answer; That they might obtain a treaty, if

* M. Minnius, Posthumus, C. Minius, Sp. Largius, P. Pinarius, Q. Sulpicius.

they

they restored to the Volsci the country which they had taken from them ; if they gave that nation the same right of citizens which they had granted to the Latins, and if they recalled the Roman colonies from the towns which they had got possession of unjustly. Coriolanus having used this haughty strain as to what related to the concerns of the public, came to a more gentle behaviour towards the deputies. He offered them in particular to do them all the kind offices that they could justly expect from an old friend. But the only favour those generous Romans asked of him, was, that he would withdraw his troops from the territory of Rome, while the senate and people came to a final determination either for peace or war. Coriolanus, for their sakes, granted thirty days truce, to be observed only with respect to the proper territory of Rome : he then dismissed the deputies, who promised that the senate should return him a decisive answer in the thirty days. He spent that time in taking other Latin towns, and after that expedition, appeared once more at the gates of Rome with his whole army.

Other deputies were immediately sent to him, who conjured him to exact nothing but what might be agreeable to the dignity of the Roman name ; but Coriolanus, naturally stern and inflexible, without any apparent anger, but also without pity, coldly replied, that the Romans had no other choice but restitution or war ; that he allowed them only three days more to come to a resolution, and that after the expiration of this further term, they should not be permitted to come to his camp again.

The return of these envoys augmented the public consternation. Every body runs to arms ; some post themselves upon the ramparts : others stand to the guard of the gates, for fear of being betrayed by the private adherents of Coriolanus ;

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lanus ; while some fortify themselves in their very houses, as if the enemy had already been master of the city. In this confusion there was neither discipline nor command. The consuls, wholly possessed by their fear, seemed to have renounced the duties of their office : the tribunes were not now so much as heard of. In this universal terror, the common people seemed as it were to receive orders only from their apprehensions : they were no longer the same haughty and intrepid Romans that they used to be ; the courage of the nation seemed to be gone over with Coriolanus into the camp of the Volsci. The senate assembles ; expedient upon expedient is proposed ; no design is formed becoming the Roman honour ; all determines in sending new deputies to the enemy, and to work upon him the more, they resolve to employ the ministers of their religion.

The priests, the sacrificers, the augurs, and the guardians of the sacred things, vested in their ceremonial habits, march forth of Rome in a kind of procession. They enter the enemy's camp with a countenance grave and modest, and such as was likely to strike an awe upon the multitude. He that was to speak for all, beseeches Coriolanus by the respect he owed to the gods, and by all that was most sacred in religion, to grant peace to his country ; but they found him equally hard and inexorable. He told them that what they asked lay wholly in the power of the Romans, who might have peace, whenever they thought fit to restore the countries which they usurped from their neighbours. He added, he was not ignorant that the first kings of Rome, to stir up the ambition of the Romans, and justify their robberies, had been so politic as to spread abroad, that the gods decreed the empire of the world to the city of Rome. That the senate had taken great pains to keep up an opinion which religion had made reverent ; and that

that the people prejudiced and infatuated with those visions, looked upon all wars to be just and holy which tended to the advancement of their country's greatness. But that the neighbours of Rome did not think themselves bound to submit themselves to their yoke, upon the credit of revelations so mercenary and suspicious. That the present state of affairs sufficiently proved their falsity; that he must frankly tell them he was sure of carrying the town very shortly. That the Romans, to avoid restoring lands unjustly acquired, ran the hazard of losing their rightful dominion; and that for his part, he protested before the gods that he was innocent of all the blood that was likely to be shed through their obstinacy in detaining the fruit of their usurpations. Having then shewn some outward tokens of respect and veneration which he thought due to the sanctity of their character, he sent them back without abating any thing in the least of his former demands.

When the people saw them return to Rome without having been able to obtain any concession, they looked upon the republic to be just upon the brink of destruction. The temples were crowded with old men, women and children, who all with tears in their eyes, and prostrate before the altars, implored of the gods the preservation of their country.

Such was the melancholy face of things in the city, when a Roman lady named Valeria, sister of Valerius Publicola, moved by a kind of divine inspiration, came out of the capitol, accompanied by a great number of women of her own condition, to whom she had communicated her design, and went strait to the house of Veturia the mother of Coriolanus. They found her with Volumnia, the wife of that Roman, deplored their own misfortunes and those of Rome.

Valeria accosted them with a look of sorrow suitable to the present condition of the republic : " We are Roman ladies, says she to them, that have recourse to Roman ladies for the safety of their common country. O illustrious women, do not suffer Rome to become a prey to the Volsci, and our enemies to triumph over our liberty. Go along with us even to the camp of Coriolanus, to beg of him peace for his fellow-citizens : All our hope is in the remarkable veneration, and the tender love he always had for so good a mother, and so virtuous a wife. Implore, conjure, demand. So good a man can never withstand your tears. We will all follow you with our children : We will throw our selves at his feet, and who knows but the gods, moved by our honest sorrow, may preserve a city whose defence seems wholly abandoned by men ?

The tears which Valeria shed in abundance interrupted this affectionate discourse, which Veturia answered with equal sadness : " You apply, Valeria, to a very weak expedient, when you address your selves to two women buried beneath a load of affliction. Since that unfortunate day when the people, in their fury, so unjustly banished Coriolanus, we have never seen any thing of that filial respect, and that tender affection which he till then had always shewn for his mother, and for a wife ever dear to him. When he returned from the assembly where he had been condemned, he looked upon us with a fierce air, and after having continued for some time in a gloomy silence, it is done, says he to us, Coriolanus is condemned ; our ungrateful citizens have banished me for ever from the bosom of my country. Support this blow of fortune with a courage worthy of two Roman women.

“ women. I recommend my children to your care : farewell, I now depart, and leave without regret a city where all men of virtue are hated and persecuted : With these words he broke away. We began to follow him ; I held his eldest son by the hand, and Volumnia, all drowned in tears, carried the youngest in her arms. Then turning to us ; “ Come no further, says he, and give over your vain complaints. You have now no son, my mother ; and thou, Volumnia, the best of women, thy husband is for ever lost to thee. May the gods grant that thou mayest quickly find another, worthy of thy virtue, and more fortunate than Coriolanus ! His wife, at these cruel and inhumane words, swoons away with grief, and while I run to her assistance, he leaves us abruptly with the hard-heartedness of a barbarian, without so much as receiving our last embraces, and without giving us, in so intolerable an affliction, the slightest proof of compassion for our misery. He departs from Rome, alone, without servants, without money, and without even telling us to what part of the world he would direct his steps. Ever since he left us he has never in the least enquired after his family, nor given us any account of his welfare ; so that it seems as if in the general hatred which he shews to his country, his mother and his wife were his greatest enemies.

“ What success then can you expect from our intreaties to a man so implacable ? Can two women bend that stubborn heart, which the ministers of our religion themselves could not soften ? And indeed what shall I say to him ? What can I reasonably desire of him ? That he would pardon ungrateful citizens, who have treated him like a man blackened with the foulest crimes ? That he would take compassion upon a violent populace which had none for his innocence ?

" innocence ? And that he would betray a nation
" which has not only opened him an asylum, but
" has even preferred him to her most illustrious
" citizens in the command of her armies ? With
" what brow can I presume to ask him to aban-
" don such generous protectors, in order to deli-
" ver himself again into the hands of his most bit-
" ter enemies ? Can a Roman mother, and a Ro-
" man wife, with decency exact from a son and
" and a husband things which must dishonour
" him before both gods and men ? Mournful cir-
" cumstance, in which we have not power to hate
" the most formidable enemy of our country !
" Give us up therefore to our unhappy destiny ;
" leave us buried in our just afflictions.

Valeria and the other ladies that accompanied her, made no answer but with their tears. Some embrace her knees ; others beseech Volumnia to join her prayers to theirs ; all conjure Veturia not to refuse her country this last assistance. The mother of Coriolanus, overcome by intreaties so urgent, promises to take this new deputation upon her, if the senate agreed to it. Valeria gave advice of it to the consuls, who made the proposal of it in full senate. The affair was long debated : Some opposed it, fearing lest Coriolanus should detain all those ladies, who were of the chief families in Rome, and by that means force them to open their gates without so much as drawing his sword. Some were even for securing his mother, his wife and his children, as so many hostages that might bring him to a better temper : But the majority approved this deputation, saying, that the gods, who had inspired Valeria with this design, would give it success ; and that no treachery was to be apprehended from a man of the character of Coriolanus, fierce indeed, severe and inflexible, but not capable of violating the law of nations.

This advice carried it, and next day all the most

illustrious of the Roman ladies repaired to Veturia's house. There they presently mounted a number of chariots which the consuls had ordered to be made ready for them, and without any guard took the way to the enemy's camp.

Coriolanus perceiving from afar that long train of coaches and chariots, sent out persons to see what it should mean: Word was quickly brought him that it was his mother, his wife, and a great number of other women coming to the camp. He was at first surprised that Roman ladies, bred up in that austere retirement, which was such an honour to them, should prevail upon themselves to come unguarded into an army of foes, among soldiers, who are commonly so licentious and unruly. He judged what views the Romans had in so unheard-of a deputation: He conceived that this was the last expedient the senate could think of to work upon him. He determined to receive them with the same respect that he had paid to the ministers of religion; that is, to give those venerable women all the observance which was due to them, but in the main to grant them none of their requests. But he reckoned upon a savage resoluteness which was not in his nature; and he no sooner beheld his mother and wife at the head of this troop of Roman ladies, but struck and moved with the sight of persons so dear to him, he ran hastily to embrace them. At first they expressed their joy upon seeing each other again only by their tears; but after they had given some time to these first workings of nature. Veturia beginning to enter upon the subject for which she came, Coriolanus, that he might not make himself suspicious to the Volsci, called the principal officers of his army to be witnesses of what passed in this interview. They were no sooner come, but Veturia, to engage her son to have the more regard to the request she came to make, told him, that all those Roman ladies, whom he knew,

knew, and who were of the best families in Rome, had omitted nothing, during his absence, that might give comfort to her and Volumnia his wife. That touched with the calamities of the war, and apprehending the fatal consequences of the siege of Rome, they were come to beg peace at his hands once more : She conjured him in the name of the gods to grant it to his country, and to turn the power of his arms on other foes.

Coriolanus replied, that he should offend those very gods, whom he had called to be witnesses of the faith he had given the Volsci, if he granted her so unjust a demand. That he could not think of betraying the interests of those who had not only given him an honourable rank in their senate, but had also trusted him with the command of their army. That he had found at Antium more honours and wealth than he had lost at Rome by the ingratitude of his fellow-citizens ; and that nothing would be wanting to his happiness, if she would please to be partner in his fortune, and come and enjoy among the Volsci the honours which they would pay to the mother of their general.

The Volscian officers that were present at this conference, shewed by their applauses how much they were pleased with this answer ; but Veturia, without entering into a comparison between Rome and Antium, which would probably have offended them, contented herself with telling her son, she would never exact any thing of him that might be a blemish upon his honour ; but that without being any ways deficient in what he owed to the Volsci, he might mediate a peace, that should be equally advantageous to both nations. “ And can you, my son, added she, raising her voice, refuse a proposal so equitable, unless you prefer a cruel and obstinate revenge to your mother’s tears and intreaties ? Consider that your reply is

" to decide the fate of my glory, nay and of my
" life too. If I carry back with me to Rome the
" hopes of an approaching peace; if I return with
" the assurances of your reconciliation; with what
" transports of joy shall I be received by our fel-
" low citizens? Those few days which the gods
" ordain me yet to pass on earth, shall be sur-
" rounded with glory and with honours. Nay,
" my happiness shall not end with this mortal life;
" and if it be true, that there are different places
" for our souls after death, I shall not need to
" have the least fear of those obscure and gloomy
" caverns where the wicked are confined: The
" Elysian fields, that delicious abode set apart for
" the virtuous, will not even suffice for my re-
" ward. After having saved Rome, the city so
" dear to Jupiter, I may presume to hope for a
" place in that pure and sublime region of the air,
" which is supposed to be inhabited by the children
" of the gods. But I give myself up too much to
" these pleasing views. What will become of me,
" if thou persistest in that implacable hatred,
" whose fatal effects we have already felt too much?
" Our colonies expelled by thy arms, from most
" of the cities which acknowledged the empire of
" Rome, thy unbridled soldiers spread through
" the land, and carrying fire and sword along
" with them where ever they go, ought they not
" to have asswaged thy thirst of vengeance? And
" hast thou had the heart to lay waste the coun-
" try which gave thee birth, and nourished thee
" so long? The moment thou sawest the towers
" of Rome from afar, did it not come into thy
" mind, that thy gods, thy house, thy mother,
" thy wife, and thy children were inclos'd within
" her walls? Dost thou believe, that, covered with
" the shame of a contemptuous denial, I can pa-
" tiently wait till thy arms have pronounced our
" doom? A Roman woman knows how to die,
when

" when her honour calls upon her so to do ; and
" if I cannot move thee, know I have resolved to
" give myself death in thy presence. Thou shalt
" not march to Rome without treading over the
" body of her to whom thou oweſt thy being ; and
" if a sight of ſo much horror has not power to
" ſtop thy fury, remember at leaſt, that by means
" of thy endeavouring to bring Rome into chains,
" thy wife and children cannot avoid a ſpeedy
" death, or a tedious ſervitude.

Coriolanus, toſt with the violence of contending
passions, stood unable to make reply : Hatred and
desire of revenge balanced in his heart the impreſ-
ſion which ſo moving a diſcourse made, in ſpite of
all his resolution. Veturia, who ſaw he was ſhaken,
but who was afraid his rage might prevail above
his pity : " Why doſt thou not anſwer me, my
" ſon, ſaid ſhe ? wilt thou not know thy mother ?
" haſt thou forgot the care I took of thy infancy ?
" and canſt thou, who makeſt war only to re-
" venge thyſelf of the ingratitude of thy fellow-
" citizens, deny me the firſt favour I ever asked
" thee, without blackening thyſelf with the very
" fame crime ? If I required thee to betray the
" Volſci, who have given thee ſo generous a re-
" ception, thou wouldſt have juſt cauſe to rejeſt
" ſuch a propoſal. But Veturia is uncapable of
" putting her ſon upon any thing baſe : Thy glory
" is more dear to me, even than my own life. I
" only deſire thee to withdraw thy troops from the
" walls of Rome : Allow us a truce for a year,
" that in this interval meaſures may be taken to
" procure a ſolid peace. Grant this, my ſon, I
" conjuſte thee by Jupiter, all-good and all-power-
" ful, who preſides at the capitol ; by the manes
" of thy father and of thy anſtors. If my pray-
" ers and tears are not able to move thee, behold
" thy mother at thy feet, imploring of thee the
" preſervation of her country :" And with theſe
words,

words, melting in tears, she embraces his knees; his wife and children do the same, and all the Roman ladies that were with her beg for mercy by their cries and tears.

Coriolanus transported, and as it were besides himself to see Veturia at his feet, cries out : " Ah ! " my mother, what is it you do ? " And tenderly pressing her hand in lifting her up : " Rome is saved, says he to her, but your son is lost ;" well foreseeing that the Volsci would never forgive him the regard he had to her intreaties. He then took her in private with his wife, and agreed with them, that he would endeavour to obtain the consent of the principal officers in his army, for raising the blockade. That he would use all his credit and endeavours to bring the community of the Volsci to terms of accommodation ; and that if the former success had made them obstinate, and he could not prevail, he would lay down his command, and retire to some neutral city ; that his friends might then manage the repeal of his sentence, and his return to Rome. He then took his leave of his wife and mother, after having tenderly embraced them, and thought of nothing now but how to obtain an honourable peace for his country.

The next day he called a council of war ; he there represented the difficulty of forming the siege of a city which had a formidable army for its garrison, and where there were as many soldiers as there were inhabitants ; and concluded for a retreat. Nobody contradicted his opinion ; though after what had passed they could not be ignorant of the motives of this new resolution. The army immediately began its march ; and the Volsci, more affected with the filial respect he had shewn for his mother, than with their own interest, retired all to their several cantons.

But

But Tullus, the general, who had received him at first with so much humanity, jealous of the credit he had gained with the soldiers, laid hold of this occasion for destroying him; and he no sooner saw him returned to the city of Antium, but he publicly gave out that he had betrayed the interests of the Volsci. Coriolanus, in order to clear himself, desired he might answer for his conduct before the general council of the nation; but Tullus, who no less feared his eloquence than his valour, raised a tumult, under favour of which his agents threw themselves upon him and stabbed him; the miserable and almost unavoidable fate of all those who have the misfortune to take arms against their country.

Such was the end of this great man, too haughty indeed for a republican, but who by his great qualities and services deserved a better treatment both from the Volsci and the Romans. When his death was known at Rome, the people shewed neither joy nor grief; and perhaps they were not sorry that the Volsci had freed them from the perplexity of recalling a patrician whom they no longer feared, and still hated.

End of the second book.

THE

THE
HISTORY
OF THE
REVOLUTIONS
That happened in the Government
OF THE
ROMAN REPUBLIC.

BOOK III.

Sp. Cassius Viscellinus, a patrician, conceives hopes of getting himself acknowledged king of Rome, by means of the divisions that reign in the city. To bring the people over to his side, he proposes in the senate to have an account taken of the conquered lands, in order to divide them equally among the citizens. This is what was called the Agrarian law. Virginius, Cassius's colleague in the consulship, and C. Rabuleius, tribune of the people, join to hinder the execution of the consul's proposal. A decree of the senate, empowering Q. Fabius and C. Cornelius, consuls elect, to name commissioners for the

the partition of the lands. Cassius condemned to die. Menenius, the son of Agrippa, and Sp. Servilius, are impeached by the tribunes, for having in their consulship opposed the nomination of those commissioners. The first is fined, and shuts himself up in his house, where he starves himself to death : The second disperses the danger by his constancy. Volero. A law proposed by him for the assemblies by tribes. This law passes in spite of Appius. The tribunes in conjunction with the consuls demand the execution of the senate's decree for the division of the conquered lands. Appius prevents this demand from taking effect. The death of that consular gives the tribunes room to prosecute this business anew ; but without success.

THIS aversion in the people to all that bore the name of patricians, arose only from the jealousy of the government. But as it had hitherto cost the senate no more than the establishment of the tribunes, and the banishment of a private man, the zealous republicans were not displeased with this opposition of interests, which by keeping an even balance between the credit of the great, and the people's power, served to maintain the public liberty. Such was the disposition of the people's minds, when an ambitious patrician took it in his head, that by driving the contention somewhat further, and making himself the chief of one of the parties, he might destroy them both, and upon their ruins lay the foundation of his own advancement.

This patrician was named Sp. Cassius Viscelinus ; he had commanded armies, obtained the honour of a triumph, and was then actually the third time consul. He was a man naturally vain and ostentatious, always exaggerating his own services, despising those of others, and ascribing

Year of
Rome
267 or
268.

to

to himself all the glory in any good success. Blinded by inordinate ambition, he had the presumption to aspire to the royalty so solemnly proscribed by the laws ; and in the secret design, which he had long before formed of restoring it in his own person, he did not hesitate what party he should join in with. He resolved first to gain the affection of the people, who always give themselves up implicitly to those who know how to catch them with the specious bait of promoting their interest.

His partiality openly appeared during his second consulate, at the time when the establishment of the tribunes was in dispute. It is true, his politic condescensions might be attributed to his desire of seeing the people re-united to the senate ; but his late suspicious conduct with relation both to the Hernici, and the Roman people, entirely convinced the senate that his views and interests were different from those of the republic.

The Hernici, or Hernicians, were one of those petty nations neighbouring upon Rome, who, as we have already said, inhabited part of Latium. After the death of Coriolanus, they entered into

Year of Rome a league with the Volsci against the Romans. Aquilius, who was then consul with T. Sicinius, had defeated them.

266, 267, Cassius, who succeeded him in the con-

or 268. sulship, and in the conduct of that war,

reduced them by the mere terror of his arms to sue for peace ; they applied to the senate *, which referred to the consul. Cassius taking advantage of the power given him by this commission, without so much as making the senate acquainted with the articles of the treaty, granted peace to the Hernici, and left them the third part of their territory. By the same treaty he gave them the title

* D. H. l. 8. Liv. Dec. 1. l. 2.

of allies and citizens of Rome; so that he treated, the vanquished as favourably as if they had been victorious. in order to make himself friends both within and without the state, he set apart for the Latins one half of what remained of the lands of the Hernici, and the other half he divided among the poor plebeians of Rome. He even endeavoured to recover out of the hands of some private persons parcels of land which he said belonged to the public, and which he intended to have distributed also among the poorer citizens. He had before demanded the honour of the triumph *, with as much confidence as if he had gained some glorious victory; and obtained by his credit a reward which used never to be granted but to generals who had fought some important battle with great success, and had left at least five thousand of the enemy dead upon the spot.

The next day after his triumph, according to custom, he gave an account, in an assembly of the people, of all that he had done for the glory and service of the republic, during the last campaign. As his exploits that year afforded him nothing sufficiently shining, he ran chiefly upon his former services. He represented that in his first consulate he had overcome the Sabines †; that his second consulate was made illustrious by the share he had in the erection of the tribuneship; that now in his third he had already incorporated the Hernici into the commonwealth, and proposed before the end of it to render the condition of the plebeians so happy, that they should not envy that of the patricians. He added, that he promised himself the Roman people must needs allow that they had never received so many benefits before from one single citizen.

This discourse was heard with pleasure by a people always fond of novelty. The senate on the

* Liv. Dec. 1. l. 2.

† Id. D. H. ibid.

contrary, who were fearful of Caslius's ambitious spirit, were not without uneasiness. Every body in Rome, through different motives, impatiently expected the explanation of this mighty promise. Caslius afterwards said a great many things in praise of the plebeians ; he observed that Rome owed to them not only her liberty, but also the empire she had acquired over one part of her neighbours. He added, that to him it seemed very unjust that so brave a people, who daily exposed their lives to enlarge the bounds of the republic, should languish in a shameful poverty ; while the senate, the patricians, and the body of the nobility alone enjoyed the fruits of their conquests. And to shew the bottom of his design he added, that it was his advice, that, in order to bring the condition of the poor citizens, to some equality with that of the rich, and enable them to subsist, they should take an exact account of all the lands which had been won from the enemies, and which the patricians had seized to their own use, and make a new division of them, without any regard to those who upon different pretences had appropriated them to themselves ; and that such a division would give the poor plebeians an ability of bringing up children useful to the state. He added, that nothing but so equitable, a partition could restore the union and equality which there ought to be among the citizens of one and the same republic * : It was then, says Livy, that the Agrarian law was proposed for the first time.

It would be difficult to express the surprise, indignation, and rage of the senate, at the mention of such a proposal. But in order to give a true notion to what a degree it was ruinous to the great, and desirable by the people, I think I cannot avoid repeating part of what I have already said, with re-

lation to these public lands. When the Romans had gained any considerable advantage over their neighbours, they never granted them peace without taking from them part of their territory, which was immediately incorporated with that of Rome. This was indeed the most usual design of their wars, and the chief fruit which they looked for from the victory. Few are to learn, and I have said elsewhere, that one part of these conquered lands were sold to reimburse the state for the expence of the war, another portion was distributed gratis among poor plebeians newly settled at Rome, who had no inheritance of their own; sometimes a number of parcels was let out to farm, and by way of feofment, and the occupiers paid the rent in money, in fruits or in corn, which was sold, and the produce brought into the public treasury. And lastly, as the chief wealth of the Romans in those days consisted in cattle and flocks, what remained of these conquered lands was left in commons, and to serve for pastures.

This disposition banished poverty out of the republic, and bound the citizens to its defence. But the greedy patricians deprived the common people of this subsistence: tracts of land of prodigious extent, set apart for the support of the whole state, became insensibly the patrimony of a few private persons. If any parcel were sold to defray the charges of a war, the senators, who were the only rich men in those times, being the directors of the sale, caused it to be adjudged to themselves at a very inconsiderable price; so that the public treasure hardly received any advantage from it. By means of the same authority they took either under borrowed names, or else in their own, the lands that ought to have been let out to farm to poor plebeians, to help them to maintain their children. Oftentimes by ill-designed loans and accumulated usuries, they got the little inheritances which the

people had received from their ancestors yielded to them. Lastly, the rich, by setting the land marks of their estates further and further by degrees, had swallowed up and confounded most of the commons; so that neither the state in general, nor the plebeians in particular, received any benefit worth mentioning from these foreign lands. The patricians who had got into possession of them, had inclosed them with walls? fine structures were built upon them; troops of slaves taken prisoners in war manured them for the account of the great men of Rome, and now a long prescription had covered these usurpations: The senators and patricians had hardly any other income besides these public lands, which had passed successively through different families by deaths, partition, or sale.

Whatever shew of equity there was in Cassius's proposal, it was impossible to bring it into a law without ruining at once the senate and chief nobility, and raising an infinite number of law-suits about trusts among all the families in Rome, and accordingly most of the senators stood up against him with great animosity. Without any respect to his dignity, they publicly reproached him with his pride, his ambition, and the desire he had of stirring up new troubles in the commonwealth. They loudly declared Cassius did not act so much like a consul as like a seditious tribune.

Cassius always expected to find a general aversion to his proposal in the great men of Rome. But as he flattered himself that the people, always fond of novelties, and enticed by the hopes of the partition of the lands, would declare in his favour, he convened a new assembly; and among a great many things which he said in contempt of the nobility and in favour of the people, he added, that it should be wholly the fault of this last order of the republic if they did not free themselves at one stroke from the indigence, to which the avarice of the patricians

cians had reduced them: that all they had to do for this purpose, was to make a solemn law for the partition of the conquered lands, of which he had already in some measure proposed to them the scheme in what he thought of doing with the territory of the Hernici; that moreover they ought to cause the money which the poor plebeians had paid for the corn that the king of Sicily had sent as a present to Rome to be repaid to them; and that by these just laws they would for ever banish poverty, envy, and discord.

The people at first received this proposal with great applauses; but most of the tribunes, who could not without jealousy see that a patrician and a consul should go about to gain to himself the confidence of the multitude to their prejudice, kept a profound silence, which hindered their adherents and the heads of the tribes from declaring openly for the law. Not but that both the one and the other were sensible of the advantage it would be of to the people, as we shall find hereafter; but they were unwilling that the people should be obliged for it to a patrician, and that a consul should be looked upon as the author of the law. Thus, without either approving or opposing it openly, they waited for some other opportunity, when they themselves might have in the eyes of the people the merit of getting it passed.

Virginius, Caius's colleague in the consulate, did not attack it directly: he pretended on the contrary to be sensible of the justice of it in general; but to elude the publication of it, he highly blamed the use that Caius intended to put it to, pretending that, by this treacherous division of the lands of the Hernici, he had set the conquerors and the vanquished upon a shameful equality. At the same time he let fall some suspicions against his colleague, as if by that extraordinary distribution proposed in favour of their old enemies, he had

sought to make them his creatures to the prejudice of the state : “ What reason is there, cried he, “ for restoring to the Hernici the third part of a “ territory so lawfully conquered ? What can be “ his end, in giving the Latins the better part of “ what remains, unless it be to pave himself a way “ to the tyranny ? Rome has cause to fear those “ nations, still jealous of her greatness notwithstanding their new alliance, may one day come “ to set Cassius at their head like a second Coriolanus and under his conduct attempt to render “ themselves masters of the government.”

This comparison with Coriolanus, which recalled to the people’s minds the thought of a patrician whose memory was so odious to them, cooled their first heat for the reception of this law. The tribunes themselves gave intimations that the author was suspicious to them too ? Cassius perceiving his party grew weaker than ever, sent underhand for a great number of Latins and Hernici to come to Rome, telling them, that in quality of Roman citizens, it concerned them to be present at the next assembly to defend their rights, and to get a ratification of the partition of land, which he had proposed in their favour.

Upon this, great numbers of those new citizens immediately flocked to Rome. Cassius was indifferent whether the law was received or no ; he had proposed it only with a view of raising a sedition, wherein he might have an opportunity of putting himself at the head of one of the parties, which might be able to make him master of the government. The coldness which appeared in the tribunes disconcerted all his measures. To engage the people to join him, he never went through the city without a numerous guard of Latins and Hernici. Virginius, in order to disperse this faction, published an order, requiring all the allies, that were not inhabitants of Rome, to depart the city forth-

forthwith. Cassius opposed this edict, and a herald by his order published another directly to the contrary effect, permitting all such as were inrolled citizens to remain there *. This opposition raised new commotions in the city : the two magistrates were resolved to be equally obeyed : their lictors were quarreling and fighting every moment ; and this competition between two parties, which both grew stronger and stronger daily, was just degenerating into a civil war, when one of the tribunes of the people, named C. Rabuleius, undertook to restore quiet to the republic, and, like an able tribune, to procure the whole advantage for the people.

He remonstrated in a public assembly, that it was an easy matter to reconcile the opinions of the two consuls ; that both were agreed upon the justice of the partition of the lands of the Hernici in favour of the Roman people ; only that Cassius was for extending the liberality to the Hernici and the Latins, allies of the republic. That he thought the best way would be to begin with doing justice to the Roman people, which they both agreed ought to be done ; and that as to the proposal made by Cassius in favour of the allies, but opposed by his colleague, the decision of that should be deferred to another time. That as to all the other conquered lands which made the greatest part of the Roman territory, the senate and people would deliberate upon it at leisure as the importance of so great an affair required, and take such measures as should be most conducive to the good of the commonwealth.

Under these appearances of an equitable and moderate conduct, the tribune concealed his design of pushing the business of the partition more briskly than ever, as soon as he had got it out of Cas-

* D. H. I. 8.

sius's hands. By this means he obtained that the assembly broke up without coming to any determination as to the general division of all the conquered lands. Cassius, ashamed of the ill success of his ambitious aims, hid himself in his house, whence (pretending sickness) he never stirred.

Meanwhile the senate, who saw through Rabuleius's private designs, found plainly that the business of the partition of the lands was only delayed. They assembled extraordinarily to prevent betimes any attempt that the tribunes might make to promote it. Several opinions were offered: the advice of Appius, that intrepid defender of the laws, was, that in order to appease the people's just complaint, the senate should name ten commissioners to take an exact information of all such lands as belonged originally to the public. That they should sell one part of these for the use of the treasury, distribute another part among the poorer citizens, who had no inheritance in land, restore the commons, and place sufficient land-marks wherever they were necessary, the want of which had caused the abuses that were then complained of. That, as to the remainder of those lands, they should never let them out for above five years at a time, and that always at the full rent, and that the produce should be employed in providing corn and pay for the plebeians that went to war. That this regulation would hinder them from thinking any more of the partition of the lands; and that they would undoubtedly prefer corn, money, and a certain subsistence during the whole campaign, to a slip of land which they must cultivate with the sweat of their brows; and that he knew no surer way of reforming the ancient abuses, than to restore things to the spirit of their primitive institution.

A Sempronius Atratinus, a man much respected by the senate, highly approved of Appius's advice:

vice : he only added to it, that they ought to give the allies and those nations who had been lately made citizens of Rome, to understand, that it was not reasonable they should have a share of the lands which the Romans had conquered before their alliance ; that each nation, though allies, might dispose as they thought fit of their own territory and conquests ; but that as for such lands as should be won by their joint forces, the republic, in the division of them, would have regard to the assistance she received from her allies.

The advice of these two senators formed the *senatus-confultum*. But as the estates of the principal men in Rome lay wholly in those conquered lands, most of the senators, who would have been ruined by such a regulation, got it added to the *senatus confultum*, in order to stave off the execution of it, that whereas the consulate of Cassius and Virginius was upon the point of expiring, nothing should be done in it till Q. Fabius and Ser. Cornelius, the consuls elect, entered upon their office, and that they should be empowered to name the decemvirs, who were to regulate the affair of the partition of the lands. Nay, and the chief of the senate resolved among themselves to impeach Cassius, and to prosecute him severely, in order to intimidate all such as might be tempted for the future to stir in this affair.

Some authors tells us, that as soon as the two new consuls had taken possession of their dignity, Cassius's own father was the man that accused him to the senate of having endeavoured to make himself the tyrant of his country ; and that this severe Roman, like another Brutus, having laid the proofs of his crime before a full senate, took his son home to his house, and there caused him to be put to death in the presence of his whole family. But * Dio-

* Val. Max. I. 5. c. 8. D. H. I. 8.

nyfius Halicarnasseus informs us, that it was Ceso Fabius, brother to the first consul, and Valerius, the grandson of Publicola, both quæstors, that made themselves parties in this affair, and who having convened the assembly of the people according to the power appertaining to their office, accused Cassius of having introduced foreign troops into the city, with design to oppress the liberty of his countrymen.

Cassius appeared in the assembly dressed in mourning, in a habit conformable to his present circumstances. He represented to the people, to make his defence their interest, that it was them the senate attacked in his person, and that he was odious to the patricians, only because he had proposed to oblige them to share with the people the lands which they had unjustly seized to their own use. But that generous people, who in their greatest indigence thought slavery far more insupportable than poverty, heard with a general indignation every thing that came from a man of such suspicious conduct. Thus he saw himself at once abandoned by the people, and prosecuted by the senate; and he was condemned by the unanimous voice of all his fellow-citizens. The late example of Coriolanus, whose exile had proved so dangerous, made them pass sentence of death upon Cassius. That consular, who had been honoured with two triumphs, was thrown down from the top of the Tarpeian rock; and the patricians had the satisfaction of destroying by the hands of the Plebeians themselves, a declared advocate for the interests of the people.

A proceeding so resolute quite stunned the multitude. It was some time before a word was heard again of making inquiries about the public lands; the execution of the *senatus consultum*, and the nomination of the decemvirs, lay suspended. This great affair came to be one of those state-mysteries which

which no body dares to touch upon : The people, intimidated, kept in a profound silence for some time ; but their necessities insensibly revived their complaints. The common people began to regret their loss in Cassius ; they blamed themselves for his death ; and with a late acknowledgement, which was little better than downright ingratitude, gave useless praises to the memory of a man whom themselves had destroyed.

The senate, fearing another Cassius might get into the consulship, used all imaginable precautions to keep that supreme dignity from falling to any but patricians whom they might safely rely upon ; and they were in a manner absolute directors of that election, which was never made but in assemblies by centuries, where the patricians had the majority of voices. Thus Lucius *Æmilius* and Ceso Fabius, M. Fabius and *Rome*, Lucius Valerius, attained successively 269, 70. to the consulship. In the resolution which the senate had taken of letting the *senatus consultum* drop, they thought they could not trust this their secret design to any more safely than to Fabius Ceso, and Lucius Valerius, the accusers of Cassius, and the men who had precipitated him in a manner with their own hands from the Tarpeian rock. The people saw the artfulness of this management ; they perceived that none were brought into the consulship but patricians that would be sure never to nominate the decemvirs that were to proceed in the division of the lands. In these circumstances, the war, that was indeed almost continual, against the Volsci, being broke out afresh, and the two consuls, M. Fabius, and L. Valerius, who were then in post, having desired some recruits to compleat their legions, a tribune named C. Menius opposed it, and publicly protested that he would never suffer any plebeian to give his name to be inrolled till the consuls had first brought the *senatus consultum* into a full assembly of the people,

and

and named those commissioners that were to put it in execution. The * consuls, to extricate themselves from this perplexity, and to get over the tribunes opposition, carried their tribunal out of Rome, beyond the jurisdiction of the tribunes, whose power and functions were confined within the city walls. The consuls then sent a summons to the plebeians that were to march into the field. These, relying upon the tribune's opposition, did not appear, and were under no apprehensions, while that subsisted, that the consuls would offer to seize them. But those magistrates took another method to make themselves be obeyed ; and without ever returning to Rome, being unwilling to have any contest with the tribunes they gave order for demolishing the country seats, and cutting down the trees belonging to the chief plebeians that had refused to attend their summons.

This military execution brought the people to their duty ; they immediately ran and offered themselves before the consuls to receive their commands. Every one took arms ; they marched against the enemy ; the war was carried on without any remarkable success ; and the consuls detained the soldiers in the field as long as possible, to avoid new seditions.

But when they were returned, and the time was come for the election of new consuls, discord raged out again with more fury than ever. The principal men of the senate, who were the most nearly touched by the inquisition into the public lands, designed that post for Appius Claudius, the son of him we have already spoke of. He had inherited from his father a considerable estate, a great number of clients, and particularly that haughtiness and resolution which had made him so odious to the multitude. Accordingly the people would not hear of

* D. H. l. 8. Liv. 1 Dec. l. 2.

him, but demanded some of those ancient senators that had shewn themselves most their friends. Each party remained obstinate in the resolution they had taken. The senate flattered themselves that they should carry this affair with a high hand in an assembly by centuries. The consuls called it as usual, and according to the power annexed to their dignity ; but the people, by the instigation of their tribunes, made so much noise, and there were such violent and bitter contests and disputes, that it was impossible to proceed to the election that day. This was the private aim of the tribunes, who with a presumptuousness never before heard of, convened a second assembly for next day. The consuls and senate in a body did not fail to be at it ; and they demanded of the tribunes by what authority they durst take upon them to preside at the election of consuls. They replied, that their concern for the people's welfare obliged them to prevent their having tyrants imposed upon them for magistrates ; and that if the senate did not chuse men of unquestionable characters, they should find ways to prevent any election that might be prejudicial to the people. Some senators, provoked at this audaciousness, were immediately for having the first consul name a dictator ; who by the sovereign and absolute power of his office, might severely punish the authors of these innovations. But as there was room to fear the people would openly revolt, the wiser and more moderate part of the senate thought it would be imprudent in such a conjuncture to venture the supreme authority among a people worked up to fury. A more gentle course was taken. The senate contented themselves with creating an interrex *, as was practised under the kings during any vacancy of the throne. This short-lived magistracy was given to A. Sempronius Atratinus, who deli-

* D. H. L.

*Year of
Rome
271.* vered it over to Sp. Largius. That magistrate was of a spirit inclining to a reconciliation, and probably fearing lest if the senate continued obstinate to promote

Appius to the consulate, the opposition of the tribunes and people might at length raise a dangerous sedition, he thought it was the republic's interest to put off Appius's election to more peaceful and favourable times; and he managed both parties so artfully, that he prevailed on each to abate somewhat of its demands. It was concluded that the election should still be made as usual, and by the votes of the centuries; and the two parties agreed in the choice of the consuls.

A union being brought about upon these conditions, they proceeded only for form sake to the election of the consuls. The tribunes got that dignity bestowed upon C. Julius Iulus, whom every body knew to be of the people's party, and a slave to the tribunes. The patricians named for his colleague Q. Fabius Vibulanus, descended of a family made illustrious by almost continual consulates, and who without having ever offended the people, had nevertheless upon all occasions stood up for the rights and prerogatives of the senate.

The people flattered themselves with hopes that having a consul at their devotion, they should now get the commissioners to be named, and at length obtain the partition of the lands. But a plain instance was then seen of the difference there is between those that raise themselves to high dignities by base and abject compliances, and those generous men whose personal merits, as well as birth, naturally place those honours upon them. C. Julius did indeed make some slight attempt to publish the *senatus consultum*, but scarce durst he so much as maintain his opinion against that of Fabius. The senate's consul, if we may use such an expression, had assumed so great a superiority over the people's, though

though their dignities were equal, that there seemed to be but one in the republic all this year. Fabius obliged him to go out of Rome along with him, and to march against the *Æqui* and the *Veientes*. They were nations of Tuscany that had made inroads upon the territories of the Romans : These latter made reprisals, and this expedition terminated in the ravage of the country.

These petty wars were the ordinary expedients used by the consuls, who to divert the common complaints of the people, led them out of Rome upon that pretence, and carried the war abroad with intent to give their soldiers, at the enemy's cost, a subsistence that might make them forget their old claims. But these continual wars made them still more fierce, and the next peace generally revived, in those unruly spirits, the discord which the war had only suspended.

It broke out afresh upon the election of the consuls. The people, being tied up to chuse none but nobles, could at least have wished they might have had only such of that order as seemed to be plebeians in their inclination. They even affirmed loudly in the assemblies, that it was enough the people would suffer the consuls to be always taken out of the body of the patricians, without being forced to receive such as were most averse to the partition of the lands. The senate, on the contrary, reserved that dignity only for those in whom they found most courage and resolution ; each party stood to its pretensions with equal warmth ; but at length the affair was accommodated. They agreed to go by the same rule as in the last election. The people again named their *Year of Rome,* it was Sp. Furius ; and the senate chose 272. *Ceso Fabius* *, the man that even in his

* Liv. l. 2. D. H. in principio l. 9. Zonaras, l. 2. Val. Max. l. 9. c. 3.

quaestorship had destroyed Cassius. The business then in agitation was to continue the war against the Æqui and the Tuscans, who had renewed their incursions. The new consuls ordered the people to take arms, but a tribune named Sp. Icilius vigorously opposed it. He declared he would make the same opposition against all the decrees that should issue from the senate, let it be upon what affair it would, till the *senatus consultum* was brought into the assembly of the people, and the commissioners named in pursuance thereof. That it was just the same thing to him whether the country was ravaged by enemies, or unjustly possessed by usurpers. In the mean while the Æqui and Veientes put all to fire and sword in the territory of Rome, without the senate's being able to find troops to resist them, through the obstinacy of the tribune who hindered their making any levy. In this perplexity, Appius, whom we spoke of before, thought of an expedient which proved very successful. He represented * that the power of the tribuneship was formidable only by the union of the tribunes ; and that if the opposition of a single tribune was of force to suspend the execution of a decree of the senate, it had the same prerogative as to the deliberations of his colleagues. That it was not impossible there might be a jealousy among them ; that their business was to endeavour to bring it to a division, and privately to engage some one of them to enter into the senate's interests. This advice was approved and followed ; the senators applied themselves to gain the friendship of the tribunes, and they succeeded : Four of that college declared in a public assembly, that they could not bear that the enemies, by favour of the divisions that reigned in the city, should thus lay waste the country with impunity. Icilius had the shame and mortification

* Liv. Dec. 1. l. 2.

of seeing his opposition over-ruled ; the people took arms, and followed the consuls to the war. For several years there was a kind of alternative of troubles at home and wars abroad, nor could the people all this while bring about the publication of the law. They laid the whole blame upon the consuls, and to be revenged of them, soldiers were found that were not ashamed, at their return from the army, to turn accusers or witnesses against their generals, as if they had wanted courage or capacity in the command of the army.

Scarce was a consul out of his office, but he was immediately cited before the assembly of the people, that is indeed before a tribunal where his most inveterate enemies were his judges. Thus Menenius, the son of Agrippa, was ac- *Year of Rome*
cused, upon pretence that during his consulate the enemy had taken the fort of Cremera. The tribunes, Q. Confidius

and T. Genutius, loudly demanded his death *; but the senate and all his friends solicited so earnestly in his behalf, that he was only condemned to pay a fine that amounted to two thousand aspes, that is, about twenty crowns of our money, a very inconsiderable sum with regard to the time we write in, but of great consequence in an age, and in a republic where the prime magistrates lived by the labour of their hands. Nay, we may reckon this fine excessive, with respect to Menenius, whose father had left him no other patrimony but his glory and his poverty. His friends offered generously to pay it for him, but he would not suffer it; but pierced to the heart with the injustice and ingratitude of his fellow-citizens, he shut himself up in his house, where grief and hunger soon dispatched him.

* D. H. l. 9.

Year of Rome 278. The people fell next upon another consular, named Spurius Servilius, who succeeded Menenius in the consulship. It was charged upon him as a crime, that in a battle, wherein he had defeated the Tuscans, he had lost some troops by pursuing the enemy with more courage than prudence. But this was only the pretence ; the victory he had gained was a full apology for that fault. The real crime of both these consuls was the having omitted, during their consulates, to name the commissioners that were to make the partition of the lands.

Servilius, though not unacquainted with the people's bitterness against him, had recourse neither to intreaties, nor the interest of his friends to escape their rage. He faced the danger boldly, and without changing either his habit or his countenance, appeared before the assembly of the people according to his summons, and addressing his speech to the multitude, “ If I am sent for hither, says he, to give an account of what passed in the last battle where I commanded, I am ready to do it. But if this is only a pretence to destroy me, as I suspect, I desire you would save me a needless trouble. Here is my body and my life, which you may dispose of just as you please.”

Some of the more moderate among the people * having cried out that he should take courage, and go on with his defence : “ Since I am to deal with judges, and not with enemies, added he, I am to inform you, Romans, that I was made consul with Virginius at a time when the enemy was master of the country, and famine and dissension raged in the city. It was in this perplexing conjuncture that I was called to the government of the state. I marched against the ene-

"mies, whom I defeated in two battles, and forced
"to shut themselves up in their towns. And
"while they were in a manner blocked up there
"by the terror of your arms, I in my turn ra-
"vaged their territory; I got a prodigious quantity
"of corn which I brought to Rome, where I restor-
"ed plenty. What fault have I committed thus far?
"Am I guilty of any crime in having won two vic-
"tories? But, say my adversaries, I lost a great ma-
"ny men in the last engagement: are battles then
"to be fought against nations long hardened to
"war, and that defend themselves stoutly, without
"blood being shed on both sides? What deity has
"undertaken for the Roman people that they
"shall gain victories without loss? Is any man
"here to learn that glory is acquired only
"by great danger? I engaged with troops more
"numerous than those you trusted to my con-
"duct; however, after an obstinate fight I broke
"them. I put their legions in disorder, and at
"length they fled. Could I refuse to follow victory,
"when she went before me? Was it indeed in my
"power to restrain your soldiers, who were car-
"ried away by their courage, and who warmly pur-
"sued a scattered enemy? If I had sounded a re-
"treat, if I had led our soldiers back to their camp,
"would not your tribunes this day have accused
"me of having an understanding with the foe?
"If your enemies rallied again; if they were sup-
"ported by a body of troops that advanced to
"their aid; in a word, if we were obliged to
"begin the battle quite afresh; and if in this
"action I lost some men, is it not the usual chance
"of war? Can you find generals that will under-
"take the command of your armies, if you make
"it a condition that they shall bring home
"again to Rome every soldier that goes out with
"them into the field? Do not then enquire whe-
"ther at the end of a battle I have lost some men,
"but

“ but judge of my conduct by my victory, and by
“ the effects of that victory. If it be true that I
“ drove your enemies out of your territory ; that
“ I killed great numbers of their men in two bat-
“ tles ; that I forced the shattered remains of their
“ armies to shut themselves up in their strong
“ towns ; and that I enriched Rome and your sol-
“ diers with the booty which they got in the ene-
“ my’s country : let your tribunes stand up and
“ tell me to my face wherein I have failed in the
“ duties of a good general. But that is not what I
“ fear ; these accusations are only used as a colour
“ for their exercising with impunity the hatred and
“ animosity which they bear to the senate and the
“ whole order of patricians. My true crime, as
“ well as that of the illustrious Menenius, is our
“ neither of us having nominated, during our
“ consulates, those decemvirs whom you have so
“ long sighed for. But was it possible we should
“ do it in the hurry and tumult of arms, and
“ while our enemies were at our gates, and discord
“ in the city ? And if we could have done it,
“ know, Romans, that Servilius would never have
“ given authority to a law which cannot be put in
“ practice without raising a general disturbance in
“ every family, without occasioning an infinite
“ number of law-suits, and without ruining the
“ chief families of the republic, and who are her
“ firmest support. Will you never ask any thing
“ of the senate but what is prejudicial to the com-
“ mon good of our country, and never ask but
“ only by seditions ? If a senator dares but re-
“ present to you the injustice of your pretensions ;
“ if a consul does not speak the seditious language
“ of your tribunes ; if he defends courageously
“ the sovereign power with which he is invested,
“ you immediately cry out, A tyrant ! Scarce is
“ he out of his post, but he is overwhelmed with
“ accusation. Thus by your unjust plebiscitum
“ you

" you took away the life of Menenius, no less a
 " great captain than a good citizen. Ought you
 " not to die with shame at the thoughts of having
 " so cruelly persecut'd the son of that Menenius
 " Agrippa to whom you are obliged for your tri-
 " bunes, and for that very power which now
 " makes you so furious ? You may perhaps think
 " I speak with too much freedom in the present
 " state of my fortune ; but I fear not death ; con-
 " demn me if you dare ; life cannot but be insup-
 " portable to a general, that is reduced to answer
 " for his very victories : and at worst, to undergo
 " the same fate with Menenius can never be a dis-
 " honour to me."

This generous patrician dispersed the danger by his courage ; and the people ashamed of the death of Menenius, durst not condemn Servilius, who was acquitted by a majority of voices *. The preservation of 278. the consular, escaped from the fury of the tribunes, did not make them abate any thing of their pretensions as to the division of the lands. They continued to infect the multitude with the usual poison of their seditious harangues ; at length, one of those tribunes, named Cn. Genucius †, a daring enterprising man, and not uneloquent, publicly cited L. Emilius Mamercus and Vop. Julius, both consuls Year of that year, to nominate immediately the commissiioners, that according to the *senatus consultum*, were to proceed upon the partition of the lands, and upon setting up landmarks, that might put a stop to all usurpations for the future.

The two consuls, to elude his demand, at first excused themselves from taking cognizance of an affair that passed so long before their consu-

* Livy l. 2. D. H. l. 9.

† D. H. l. 9.

late :

late : and to give an appearance of justice to a refusal, that indeed proceeded only from their concern for the interest of their body, they added that that *senatus consultum* was become void by inexecution ; and that every body must know there was this difference between laws, and the mere decrees of the senate, that the one were perpetual and inviolable, whereas the *senatus consulta* were of no longer duration, than the magistracy of him to whom their execution was committed.

The tribune, without giving any heed to that distinction, would gladly have attacked those magistrates directly : but as he foresaw it would be no easy matter to ruin two consuls, while they were actually invested with the sovereign power, he turned his resentment upon A. Manlius, and L. Furius, whose offices were but just expired. He cited them before the assembly of the people ; and accused them of having neglected to name the commissioners, with intent to deprive their poor citizens and brave soldiers of the share which they had so well deserved in the conquered lands. That furious tribune exhorted the people to do justice to themselves, and added, that there was no way but the punishment of those great criminals, and the terror of such an example, to reduce their successors to execute at length the *senatus consultum* ; and with horrible oaths, that he would prosecute this affair to the death, he appointed the day when the people should inquire into it. This accusation and these violent menaces alarmed the patricians. They saw, with no less indignation than sorrow, that the tribunes aimed equally at their lives and their fortunes, and that there seemed to be a laid design of making away with all the senators one after another. Every one blamed himself for his patience and moderation : several private councils were held, the result of which remained buried in profound secrecy. In the mean while, the people,

ple, who triumphed beforehand, insolently boasted that in spite of all the senate's artifices, the law for the division of the lands should now pass, nay, that it should be sealed too with the blood of those that had opposed it, and that the death of Cassius should not go unrevenged. The senate equally concealed their fear and their resentment*. But the very day before this great matter was to be decided, Genutius was found dead in his bed, without the marks of poison or any other violence †. His body was laid out in the forum; and the common people, whose minds easily run into superstition, imagined that the gods disapproved his enterprize, though the wiser sort were inclined to suspect that some patricians had been the ministers of the deity. Nevertheless, this religious notion, which had got possession of the spirits of the multitude, inspired them with a great veneration for the senate, in whose favour heaven seemed to have declared in so visible a manner. The partition of the lands was not so much as mentioned for some time afterwards. The tribunes were confounded, and the senate might have resumed all their authority, if upon this revolution they had not gone about to strain it too high.

There was occasion for raising of troops, and listing the legions to march against the enemy. The consuls, guarded by their lictors, held their tribunal as usual in the forum; and to make the people feel their power, either fined or whipt those citizens that did not appear the very moment they were called to give their names, and often without the least regard to justice. A proceeding so severe already began to alienate the people's hearts: and the unjust and violent manner, in which the consuls attempted to list for a common soldier a

* Id. D. H. Ibid. l. 9.

† Zonaras.

plebeian

plebeian that had been a centurion, made their discontent break out into action.

This plebeian, named *P. Volero*, had distinguished himself in the wars by his valour, and was esteemed a good officer *. Nevertheless, without

Year of Rome 280. regard to his past services, or the posts he had borne, he was summoned to lift himself as a common soldier. He refused to obey, and complained publicly that

the consuls only wanted to disgrace him because he was a plebeian †. Those magistrates, upon his refusal, sent a lictor to seize him ; and upon his making resistance, ordered that he should be beaten with rods, a punishment which the generals used to inflict upon their mutinous soldiers. They go to take hold of his person ; but Volero full of courage and indignation pushes back the lictor, and striking him a blow on the face implores the protection of the tribunes. As they seemed to pay no regard to his cries : I appeal to " the people, says he, addressing himself to the " consuls, since our tribunes, intimidated by your " power, had rather see a citizen abused even in " their presence, than expose themselves to be " strangled in their beds like *Genutius*. " Then turning to the people, who seemed provoked at the violence that was offered him : " Assist me, com- " rades, cried he ; we have no other remedy left " us against so great a tyranny but force."

The people animated by this discourse take fire, rise up, attack the lictors that guarded the consuls. They break their fasces, they disperse them ; the majesty of the consulship is not able to withhold the people's fury, and the consuls are forced to fly and hide themselves.

The senate immediately meets ; the consuls make their report of Volero's rebellion, and conclude,

* Liv. Dec. 1. l. 2. † Flor. l. 1. c. 22.

that he ought to be punished as a disturber of the public peace, and thrown down from the Tarpeian rock. The tribunes, on the contrary, demand justice upon the consuls, and complain that those magistrates, in contempt of the *lex valeria*, and of an appeal to the assembly of the Roman people, should offer to scourge a brave citizen in so ignominious a manner, as if he had been the vilest slave: A new cause of dissention between those two orders of the republic, Volero who feared the power of the consuls, demanded the tribuneship, which he looked upon as an inviolable asylum, which would shelter him from the fury of his enemies. To obtain that office, he boasted in a public assembly, that if ever he were invested with that dignity, he would take such methods, that the people should never be oppressed by the senate's power for the future.

The plebeians, who were always the majority in those assemblies, charmed with the hopes which Volero gave them, granted him all their voices. He was elected tribune, in spite of all the cabals and intrigues of the patricians; he entered upon the exercise of that function in the consulate of L. Pinarius and P. Furius. The people, who observed every step he took, expected that *Year of to revenge himself* of the two consulars, *Rome*, who had ill-treated him, he would immediately prosecute them in the way of justice; but he had farther views. He turned his resentment upon the whole body of the senate, and undertook to deprive them of the authority they had in the election of the tribunes.

We have already said, that there was then but two ways of convening the assemblies of the Roman people, one by *curiae* and the other by centuries. The difference between them was, that in the assemblies by *curiae* the voices were counted by their number, which gave the people the superiority; whereas in the assemblies by *centuries*, as the richer

fort composed alone more centuries than all the people, the advantage lay wholly on their side. In other respects, the way of convening both those assemblies was the same; that prerogative belonged to the senate: And as in those days none but patricians could be augurs, they were the men that took the auspices. Volero perceiving that the authority of those augurs, joined to that of the senate, had a great influence in both assemblies, resolved to remove the election of the tribunes out of the assembly by *curiae* into an assembly held another way.

He represented to the people in a general assembly *, that the senate and patricians were absolute masters of the government; that the chief dignities of the republic, all offices civil and military, and those of the priesthood itself, were confined to their order. That besides these particular advantages, they had also the prerogative of determining by a *senatus consultum* when any assembly should be held, of presiding in it, of preparing the deliberations by auspices, which the ministers of religion, patricians by birth, always interpreted according to the views and interests of their own order; and lastly, that a new *senatus consultum* must be obtained to confirm what was there resolved on. That by means of these various privileges which they had got into their own hands, they had but little less power in the assemblies held by *curiae*, though there the voices were gathered by tale, than in those where the votes were reckoned only by centuries. That it was high time to break all these chains, which the senate had formed to shackle the suffrages of the plebeians. He demanded that the election of tribunes should be made for the future in an assembly by tribes, where all the Roman citizens that then composed the thirty tribes, as well

* D. H. I. 9.

the inhabitants of the country, as those of the city, were equally allowed a vote, without subjection to any *senatus consulta* or to the influence of the augurs.

All the plebeians warmly declared for a proposal, which by freeing them and their magistrates from their dependance upon the consuls, brought a new accession of power to the people at the expence of the authority of the senate. The consuls, on the other hand, the senate and the whole order of patricians opposed it with all their might. They represented in divers assemblies held upon this affair, that so dangerous a law could not be received without a daring contempt of the gods, and of all that was most holy in religion, and that it must break those bonds which tied the citizens one to another, and ruin that subordination, which was so necessary for the maintaining of peace and union among the several orders of the state. Each party stood up for their pretensions with equal animosity. It was the common subject of all disputes between those two orders of the commonwealth. The contest about the partition of the lands was dropt; all the endeavours of the great, and of the people seemed to be fixed upon the decision of this affair, nor could any man foresee which way it would end.

A dreadful pestilence, which infected both the city and country, interrupted the course of these dissentions. Each being taken up with his particular losses and his own preservation, less attention was given to the busines of the public. But this calamity proving as short as it was violent, the tribunes immediately resumed their prosecution of the law proposed by Volero. That popular magistrate being just out of his office, the people, who thought they could not succeed without his assistance, continued him in the tribuneship for the following

year, notwithstanding all the opposition made by the patricians.

The senate thought it necessary to set up against him a man of a resolute character, and one not to be shaken by the clamours and menaces of the people. They pitched upon Appius Claudius*, and raised him to the consulship without *Year of Rome,* his participation. It was observed that he 282. was so far from making interest for that high post, that he did not so much as appear in the assembly on the day of election.

He had inherited his father's inviolable adherence to the senate's interests; but the heroical constancy of the former was degenerated into severity in the son. He was a man naturally proud, though without ambition, was always for carrying things with a high hand, and for owing nothing to persuasion, or to that artful management which is so necessary in the government of a free people. They gave him for his colleague T. Quintius, who was of a character directly opposite, naturally mild and insinuating, and one that had found ways to get the love of the people, though he was looked upon to be one of the principal leaders of the party of the nobility. The senate chose him on purpose, hoping that his counsels and example would soften what was too harsh and haughty in the manners of Appius.

These two consuls being entered upon the execution of their office, immediately convened the senate. The business was to think of the most proper methods for hindering the publication of Voleiro's law.

Appius advised, that upon some pretence, which is never wanting between neighbours, a new war should be immediately undertaken. He represented that the senate being to govern a people of an un-

* D. H. l. 9.

quiet genius, greedy of novelties, and incited by seditious tribunes, experience had shewn that they could never have peace within the state, but when they carried the war abroad, and led the people out of a city where idleness nourished a spirit of murmuring and rebellion.

Quintius was of a contrary opinion ; he said, he thought it unjust to make war upon nations against which the republic had not then any cause of complaint ; that the people themselves would quickly perceive the senate's intent in so doing, and if they refused to take arms, they must use force to compel them ; which could not fail of raising a sedition, wherein it was to be feared the Majesty of the senate might be exposed to insults. As Quintius was this month in possession of the lictors, and of the chief authority, his colleague was obliged to yield to his sentiments, which were followed by the majority of the senate.

In the mean time Volero, being fully resolved to effect his designs, was no sooner entered upon his second tribunate, but he proposed a-new the law for assemblies of the people by tribes. He added, in conjunction with his colleagues, that he demanded in favour of the people, that the ædiles should be chosen in them as well as the tribunes, and that they should have cognizance of all affairs which the people had a right to determine : Which indeed was neither more nor less than conveying the whole authority of the government out of the hands of the senate, into those of the people. The senate was convened again upon these extraordinary proposals. Quintius, naturally good-natured, and a thorough republican, though without being popular, was for conceding somewhat in favour of a brave people, from whom, he said, the republic daily received important services. But Appius, haughty and severe, averred, that they should betray the senate by an indulgence which would show

not so much the mercy as the weakness of the government. That the tribunes, when they had thus stripped them of their power, would not perhaps leave them so much as the ensigns of their dignity. He concluded, that after so many vain speeches, which had been made upon this same subject, nothing but a bold stroke of authority was capable of putting a stop to the seditious enterprizes of the tribunes. That the patricians, with their clients, ought to take arms, drive the people out of the forum, and fall upon all without distinction that dared to be the protectors of so pernicious a law. This advice was rejected as too violent, and even dangerous. The senate came to a temperament; they desired of the tribunes that they would banish out of the public assemblies those tumultuous contests and disputes, in the confusion of which, it was difficult to distinguish what was justice and what reason; that the consuls too might peaceably, and without interruption, represent to the people the true interests of the commonwealth; and that then they might in concert agree upon such measures as should be most conformable to the common good of the people and of the senate.

The tribunes durst not refuse to come into so equitable a proposal. Quintius mounted the rostrum; he spoke in so lively and so affectionate a manner of the advantages of peace, and the calamities that attended divisions and innovations in the laws, that if Appius had not spoken immediately after him, the people seemed inclined to have rejected Volero's proposal.

But that consul, who understood no way of dealing with men, but with a high hand, instead of making the true use of the impression which his colleague's discourse had made in the minds of his audience, fell into invectives, which had the very same effect as the seditious harangues of the tribunes, and only irritated the plebeians afresh, and gave

gave them a new aversion to the senate. He upbraided them in expressions disagreeable to the senate itself, and odious to the people, with their first desertion upon the Mons Sacer, and the erection of the tribuneship, which he said was extorted from the senate, only by an open revolt, and the danger of a civil war : that it was no wonder a tribunal set up by rebels should produce nothing but tumults and discords, which would never end but with the entire subversion of the republic ; that even already few or no footsteps were left of the ancient form of government : that the most sacred laws were abolished : the consular power despised, and the dignity of the senate debased : that their impudence was now grown to such a height, that they were for excluding from elections the *senatus consulta* and the *auspices*, that is to say, all that was most sacred and most venerable in religion and the state ; that ere long they would quite abolish the senate, whose power they were actually diminishing every day, in order to raise upon its ruins a supreme council of the tribunes of the people. He prayed the gods to deprive him of life, rather than suffer him to be a spectator of so strange a revolution. " And to give you at once, adds he, turning to the people, " a full knowledge of my sentiments, I declare " that I will for ever resolutely oppose the pro- " mulgation of so unjust a law : and I hope, be- " fore your tribunes have brought it to bear, I " shall make you know the extent of the power of " a consul."

It was not without the hottest rage and indignation that the people heard so injurious a discourse *. The oldest of the tribunes, named *Lettorius*, who was accounted one of the bravest soldiers in the republic, answered him, that no body

* D. H. ibid. Liv. Dec. 1. l. 2.

was then to learn that he came of a family wherein insolence and inhumanity were hereditary ; that his father was the most bitter enemy the people ever had, and that he himself was less their consul than their tyrant. But that he declared to him in his turn, that spite of his dignity, and his power of a consul, the elections of the tribunes, and that of the ædiles should for the future be made in the comitia of tribes. He swore by all that was most sacred, that he would lose his life, or get the law passed that very day. At the same time he commanded the consul to depart the assembly, that he might make no disturbance in the collection of the suffrages.

Appius despised his order, and cried out to him that he must needs know that though a tribune, he was no more than a private man *, without any real magistracy, and whose whole power consisted in forming an opposition to such decrees of the senate as might be prejudicial to the plebeians. Thereupon, calling about him his relations, his friends and his clients, who were very numerous, he prepared to oppose force to force. Lectorius having conferred tumultuously with his colleagues, caused proclamation to be made by a herald, that the college of tribunes decreed that the consul should be led to prison : and immediately an officer belonging to the tribune had the presumption to offer to seize upon the chief magistrate of the republic. But the senators, the patricians, and that multitude of clients which attended Appius placed him in the middle of them, and repulsed the officer. Lectorius, transported with anger, advanced himself to assist him, and called upon the people for their aid. The multitude rises ; the most mutinous join the tribune ; nothing is heard but confused cries proceeding from mutual

* D. H. *ibid.* l. 9.

animosity.

animosity. From reproaches they quickly come to blows ; and as in those days it was unlawful to wear swords in the city, each party makes arms of benches, or stones, or any they can lay hands on. It is very likely this commotion had not ended without the spilling of much blood, had not Quintius got some consulars and ancient senators to convey Appius from this tumult, while he laboured to appease the tribunes. But night coming on, more than any thing else, obliged the two parties, equally irritated against each other, to separate.

The tumult began again next morning. The people spirited up by their tribunes, and especially by Lectorius who had been wounded the night before, get possession of the Capitol, fortify themselves there, and seem resolved to begin an open war. The senate on their part assembles, as well to deliberate upon ways to quiet the sedition, as to reconcile the two consuls; the first of which being the more moderate, was for conceding something in favour of the people, whereas Appius protested, that he would sooner die than consent to give up the least point to a seditious rabble. This disorder lasted several days. Quintius, who was not disagreeable to the multitude, accosts the tribunes, soothes them, and intreats them to sacrifice their private resentments to the public good, and to restore the city to peace and concord. The tribunes answer, that his colleague was the man he sh.uld apply to, and that he alone was the cause of the division that raged in the republic. That they thought it was no unjust thing they proposed in demanding that the election of tribunes should be made only in an assembly by tribes. That this excluded neither the senators, nor the patricians, nor the knights, who all were inscribed in some of the thirty tribes, and consequently would always have their weight in the assemblies by tribes as private citizens. That the people

people desired only that they might not preside in them, and that this honour might be allowed their particular magistrates. That whenever this unexceptionable law was admitted, the city would quickly be restored to peace; though they would not however say, that they would desist from prosecuting Appius afterwards, for having wounded Lectorius, whose person was sacred.

Quintius replied with much gentleness, that in so great a disorder as had then happened, it was impossible to charge Appius with the tribune's wound more than any body else; that he would have them forget this particular injury for the sake of the public peace, and make a compliment of it to the senate. From thence he took occasion to insinuate to them, that it was not unlikely the senate, with their usual goodness, might comply with the law in favour of the people, if they referred it absolutely to their decision; that this was perhaps the surest way to succeed: whereas if the people pretended to carry it by force, there would always be found a great number of young senators and patricians that would make it a point of honour to resist them.

The tribunes, who knew Quintius's prudence, were well satisfied he would never have made them such advances without being beforehand assured of the senate's disposition: and all that was now to be done was by a seeming deference to save the honour of that body. The tribunes, contented with having the essential part granted them, did not quarrel about the form: they assured Quintius that the people would stand to whatever he should transact with the senate on their part. The tribunes took this course the more readily, because it did not at all bind their successors, who might resume the prosecution of the law the next year, if the senate's resolutions were not such as the people expected.

Quintius having left the tribunes, convened the senate,

senate, to whom he gave an account of their present inclination. He then asked the opinion of the consulars, beginning with P. Valerius Publicola. That senator said, that the tribune's wound not being the effect of any personal quarrel between Appius and Lectorius, he thought the resentment of it should be buried in an oblivion of the tumult itself that had occasioned it. But that as to the main of the question, which was Whether the senate had a right to debate the law before it was proposed to the people, whether they should allow assemblies to be held for chusing tribunes, without a *senatus consultum*, and without auspices, he should guide himself for his particular by what should be determined by plurality of voices.

This consular did not think fit to explain himself first upon so delicate a point, probably out of consideration for the people, whom the patricians and senators of the Valerian family, since the time of Valerius Publicola, and from his example, took great care to please. The affair however was disputed with much heat: But Quintius, who was naturally persuasive, managed the several spirits he had to deal with so artfully, that he at length brought the senate to yield to the people this other part also of their authority. Appius opposed it with all his might; he called both gods and men to witness, that the republic was betrayed, and that they were submitting to a law more detrimental to the lawful authority of the senate, than those which had been promulgated upon the Mons Sacer. But he could not shake the resolution of the ancient senators: they very well knew, that though the consul depended only upon the senate, each particular senator was in the power of the people, who since the busines of Coriolanus had created themselves a right of trying the patricians. Thus either the love of peace, or fear of the tribunes resentment,

resentment, united most of the voices in Quintius's
Year of opinion. The law was published with
Rome the consent of both orders *, and they
282. now for the first time elected tribunes
 in an assembly convened by tribes.

Piso the historian, as Livy informs us, says that five tribunes were elected ; that no more than two had been created upon the Mons Sacer, to whom three more were added upon this occasion. However this be, Appius, who was yet more provoked with the senate than with the people themselves, said it was scandalous in them to abandon him in an enterprize which they themselves had engaged him in, - by raising him to a dignity which he never courted. He employed it afterwards only to make the plebeians feel that the victory which their tribunes had gained over the senate, had not in the least quelled his courage.

The Æqui and the Volsci during these divisions, according to their old custom, had made inroads upon the territories of the republic. The Roman legions were composed wholly of plebeians, who were citizens in the winter, and soldiers in the summer when abroad. The two consuls divided them between them ; Quintius marched against the Æqui, and Appius commanded the army appointed against the Volsci. That general seeing himself now out of Rome, and possessed of the absolute authority of a military command, caused discipline to be observed with a severity, which the soldiers looked upon not so much as a necessary regularity, as a revenge for things past. The rigorousness with which he used his power irritated the whole army. Centurions and soldiers, all murmured at the general's orders. A sort of conspiracy was formed, less against his life than against

* D. H. l. 9. Livy Dec. 1. l. 2.

his glory : the soldiers *, to hinder him from conquering and so receiving the honours of triumph, resolved by agreement not to oppose the enemies enterprizes. The Volsci having offered battle, and Appius having drawn his army out of their camp to fight them, the Romans at the approach of the enemy threw away their arms, and fled shamefully, thinking they did not pay too dear for the affront they put upon their general, if it cost them only the loss of their own honour.

Appius in despair runs every way to rally and bring them on again to the fight. He intreats and threatens in vain ; some get out of the way to avoid receiving his command ; others without being in the least wounded shew him bandages, which they had put on purpose about the sound parts of their body, and call out that they must be led back to the camp to be dreft : All rush into it without waiting for orders so to do. The Volsci take advantage of this confusion, and after having cut to pieces those that fled in the rear, they attack the intrenchments. But then the soldiers, fearing the enemy might break into their camp, face about in the intrenchments, make a brave resistance, and drive back the Volsci, though without pursuing them, being satisfied with having shewn their general that they could have conquered had they pleased.

Appius, yet more enraged at this fresh insult, than at their flight, was resolved next day to assemble his army, and place himself in his tribunal, to make an example of the mutinous. But the soldiers gave no heed to the signal that called them to the assembly. They loudly demanded of their officers to be led out of the enemy's territories, where they must inevitably be defeated. Those

* D. H. I. 9. Liv. Dec. I. 1. 2. Zonaras. Flor. I. 1. 2. 22. Val. Max. I. 9. c. 3.

officers finding there was neither discipline nor obedience left in the army, advised the general not to hazard his authority in a contest with such mutinous spirits. Appius incensed beyond all patience at this revolt, broke up his camp : but as he was in march, the Volsci, having received intelligence of his motions by some deserter, with dreadful cries fall upon his rear. Terror flies through the whole army, and reaches the most advanced bodies ; every one flings away his arms ; those that bore the ensigns abandon them ; it is not now, as before, a pretended rout. All disband, and make several ways ; and they do not rally again till they are arrived upon the lands of the republic.

Appius having pitched his camp in a place that covered the country, and where he could not be constrained to fight against his will, convenes the assembly a second time. Being seated in his tribunal, he upbraided the soldiers, that stood round him, with their cowardice, and their treachery yet more criminal than their want of courage. He asks one what he has done with his arms, and those that bore the ensigns, whether they had delivered them up to the enemy. Giving full scope to his natural severity, which was augmented by a just resentment of their desertion, he decimated or put every tenth man to death among the soldiers, and cut off the heads of the centurions and other officers that had left their posts. As the time of the comitia for the election of consuls for the next year drew near, he led back to Rome the wrecks of his army, which entered it with the shame of punishment in their face, and a violent thirst of vengeance in their hearts.

Appius gave a further provocation to the multitude, and incurred their hatred anew, by the opposition he made to the endeavours used by the tribunes of that year for the Agrarian law. Those magistrates

magistrates of the people had no sooner attained the tribuneship, but they studied to distinguish themselves by proposals pleasing to the multitude. Some invented new laws; others resumed the prosecution of such as had not yet been passed; and the aim of all was only to share with the senate and patricians the wealth, the dignities, and the magistracies of the republic.

It was in the consulate of L. Valerius and T. Aemilius, who succeeded in that dignity to Quintius and Appius, that C. Sicinius, tribune of the people, and grandson of the same Sicinius Bellutus that was the chief leader of the sedition upon the Mons Sacer, revived in conjunction with his colleagues, the old dispute concerning the partition of those public lands of which the patricians and richest inhabitants of Rome had got possession.

The business in a manner depended upon the consuls *, who by the *senatus consultum* made in the consulate of Cassius and Virginius were empowered to nominate commissioners to proceed to the enquiry and division of those lands. The tribunes had the address to gain those two principal magistrates of the republic into their interests. Aemilius promised to back their pretensions: this consul took so extraordinary a step out of revenge against the senate, for having refused his father the honours of triumph when he returned victorius from a war against the Aequi. Valerius, on his part, was not displeased at having found an occasion of making his peace with the people, who could not forgive him the death of Cassius, whose accuser he had made himself during his questorship.

The tribunes having made sure of the two consuls, brought the affair next before the senate.

* D. H. I. 9.

They spoke with great moderation, and besought that body in the most submissive terms, to condescend at length to do the people justice, and that the consuls would no longer delay naming the decemvirs that were to regulate the partition of the lands. The two consuls gave to understand by their silence that they did not oppose it. Valerius, as first consul, then asked the opinion of the rest of the senate, beginning with Æmilius the father of his colleague *. That ancient senator declared in favour of the people : he said he thought nothing could be more unjust than to see private persons the only gainers by the spoils of the enemy, while the rest of the citizens laboured under indigence and misery. That the poor plebeians dreaded the thoughts of having children, to whom they could leave nothing but their own wretchedness for an inheritance; that instead of cultivating each the portion of land that belonged to him, they were obliged to work for subsistence like slaves in the estates of the patricians; and that this servile way of life was not very proper to form the courage of a Roman. "Thus, says that old man, I vote that our consuls name the decemvirs, to proceed to the division of these lands, which being public and common, ought to be for the equal benefit of all."

Appius opposed this advice with as much haughtiness as if he had been a third consul, or indeed as if he had been invested with a perpetual dictatorship. He answered Æmilius, that the people could lay the blame of their misery upon nothing but their own intemperance; that they had received their portions of land at the very foundation of Rome; that oftener than once the consuls had generously given among them the booty won upon the dominions of the enemies, and that upon

* D. H. I. 9.

a thorough enquiry it would appear, that those who had received the greatest share of those foreign spoils were the poorest. That so long as those plebeians wallowed as they did in debauchery and laziness, it was not in the power of the republic to enrich them; that above fifteen consulates were now past since the *senatus consultum* had been granted for the partition of the lands, and in all that time not one of the preceding magistrates had ever had a thought of putting it in execution, well knowing that the senate's only design in such a decree was to appease the sedition, in order to give the people more time to consider the injustice and indeed impossibility of their demands; and that over and above all this those former consuls were not to learn, that the *senatus consultum* was abolished by prescription *; and that they had more prudence than to charge themselves with so important a commission, in virtue of an authority that was expired. That neither could he believe there was the least occasion to apprehend such an enterprize from the consuls then in post, who had more wisdom and caution than to undertake such an affair without the concurrence and authority of the senate;

" But to let you see, added Appius, that in rejecting an obsolete act, I do not mean to defend usurpers, I declare it as my advice, that without making any farther mention of the division of the lands, we re-unite to the public domain the lands of all such as cannot justify their acquisition and boundaries by legal titles."

Notwithstanding the equitableness of this proposal, neither the grandees nor the people could relish an expedient that would impoverish the rich, without any benefit to the poor. But however, as it utterly rejected the partition of the lands, and that the enquiry proposed against the unjust pos-

* D. H. Ibid. l. 9.

cessors seemed a long work, most of the senators bestowed great praises upon Appius. The tribunes, on the contrary, enraged at finding in the single person of this consular the hatred and opposition of all the patricians resolved to destroy him, and for that purpose cited him before the people, as a declared enemy of the public liberty.

This was the ordinary crime alledged against those that were indeed guilty of none, and were nevertheless to be destroyed. The senate interested themselves in this affair as if it had been their own, looking upon Appius as the intrepid defender of their prerogative. Most of them were for soliciting the multitude in his behalf, but he opposed it with his usual firmness and courage. He changed neither his habit nor his stile : and on the day of the assembly he appeared in the midst of his accusers with the same dignity as if he had been their judge. The tribunes reproached him with the severity of his consulate, the inhumanity with which he had put to death a greater number of soldiers by the hand of the executioner, than the very enemies had slain in the heat of the battle. To make that consular still more odious, the rigorous conduct of his father was called to mind, as a crime in the son : but he answered these several articles with so much strength, that the people astonished and confused durst not condemn him. The tribunes fearing he would be acquitted, adjourned the sentence to another assembly, pretending the day was so far spent that they should not have time to collect the suffrages *. During these delays, Appius plainly foreseeing he should at length be sacrificed to the implacable hatred of those magistrates, voluntarily put an end to his own life. His son caused his body to be brought into the forum, and according to

custom presented himself to make his funeral oration; but the tribunes, who were resolved to persecute his very memory, offered to oppose it, alledging that his father was to be reckoned among criminals, not having been acquitted of his accusation before his death. But the people, more generous, removed their opposition, and heard with pleasure the praises of an enemy whom they could never help esteeming, and hated no longer.

The tribunes afterwards resumed the business of the Agrarian law, which Appius's prosecution had only suspended. The death of that great man one would think should have deterred all others from opposing the publication of the law; but as the fortune of most of the senators depended upon it, and several rich plebeians had also acquired different parcels of those public lands, the party of the patricians gathered strength; that of the people grew weaker and weaker; this cooled the zeal of the tribunes; and the proprietors still continued in possession of these lands, notwithstanding the pretensions and complaints of the common people. The Romans, the following year, under the consulate of ^{Year of} *Aulus Virginius and T. Numicius,* were employed in wars or rather inroads and incursions upon the *Æqui*, the *Volsci* and the *Sabines*; but at the conclusion of the campaign the old divisions were renewed.

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The multitude, who looked upon themselves to be overpowered by the credit of the great, to shew their resentment, absented themselves from all the assemblies that were held by centuries, and where the consuls and senate presided. It seemed as if the plebeians intended to separate themselves once more from the body of the republic: none of them appeared at the election of consuls for the next

year:

*Year of
Rome
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year: and which was never known before, T. Quintius and Q. Servilius were raised to that dignity by the sole voices of the senate, the patricians and their clients, who notwithstanding all these divisions constantly adhered to the party of their patrons.

These two consuls, to prevent the breach from growing wider, busied the people all that year in various wars against the *Æqui* and *Volsci*. T. Quintius took from these latter the city of Antium and its whole territory. The plunder and booty somewhat appeased the minds of the multitude, and the soldier at his return to Rome knew not how to complain of generals under whom he had acquired both wealth and glory.

But their complaints and dissensions began afresh in the consulate of Tib. *Æmilius* and Q. *Fabi*us. We have already heard that *Æmilius* in his first consulate had declared for the partition of the lands; the tribunes and promoters of the Agrarian law assumed new hopes under his second consulate: the affair was debated in the senate; *Æmilius* had not changed his mind. That consul, ever favourable to the people, averred, that it was impossible to maintain peace and union among the citizens of a free state, unless the laws kept some proportion between the condition of the poor and that of the rich, and made an equal division among them of the lands conquered from the enemy. But this partition, so advantageous to the plebeians, laboured under great difficulties. It was necessary, in order to it, to distinguish between the original patrimony of every private man and what he had added to it from the public lands. This distinction must even extend between such parcels as the patricians had really purchased of the public domain, and such as they had at first only taken as farms in their own or borrowed names; and afterwards

wards mingled and confounded together with part of the commons, in their rightful patrimony. A long prescription concealed from the most strict enquiry the knowledge of these several usurpations. The patricians had afterwards shared out these lands among their children for their patrimony, and those patrimonies now grown hereditary, were passed through various families by succession or purchase. Nay, some rich plebeians possessed part of them, which they had honestly bought; so that there seemed to be no way to touch upon this affair without occasioning a general confusion in the republic.

Æmilius, without any regard to inconveniences so well worth consideration, obstinately insisted upon the publication of the law. He was very desirous of making it his merit with the people, that it was passed during his consulate; and he was seconded by some ancient senators, who looked upon the mediocrity of the fortune of private persons and equality of wealth to be the strongest supports of the public liberty. But the majority, and especially those that were in possession of those public lands, complained that Æmilius, in order to make his court to the people, was for being liberal to them with the wealth of the nobility *. The dispute ran even into invectives and abuses; many reproached him that he acted not so much like a consul as a seditious tribune: and, which is most wonderful, even senators were seen to be wanting of respect to the head of the senate, and the sovereign magistrate of the republic. Fabius, his colleague, thought of an expedient to prevent the consequences of these divisions, which displeased neither party.

Most of the inhabitants of the city of Antium

* Liv. Dec. 1. 1. 3.

were

were perished in the last war *. Fabius, to mollify the Roman people, whose misery and the seditious speeches of their tribunes had now made them furious, proposed to send part of the poorest citizens of Rome by way of colony to Antium, and to divide among them some adjoining lands which had been taken from the Volsci. This advice was at first received with great applause by the meaner sort of people, who are always greedy of novelties. T. Quintius, A. Virginius, and P. Furius were immediately named, to make the establishment of this colony. But when the plebeians were to give their names to those triumvirs, few of them appeared : Rome had too many charms to detain its inhabitants ; no body cared for leaving it. The games, the spectacles, the public assemblies, the hurry of business, the share the people had in the government, every thing contributed to tie the citizens to their old abode, let their poverty be ever so great. A colony was looked upon to be no better than an honourable kind of banishment ; and the most wretched plebeians rather chose to live in Rome in indigence, and in expectation of the uncertain division of the public lands, which they had been so long flattered with hopes of, than to be actually in possession of a handsome subsistence in a rich colony ; so that the triumvirs, to make up the number appointed for the colony †, were forced to admit of strangers and stragglers that offered themselves to gain a habitation in it. The only advantage they drew from this settlement, was, that those among the people who had refused to go, could not for shame meddle any more in the affair of the partition of the lands.

A dreadful pestilence laid both the city and country desolate about this time ‡. An infinite

* Liv. Dec. 1. l. 8; † D. H. l. 9. ‡ O. of. l. 11. c. 12.

number of people, several senators, and
the two consuls themselves, P. Servilius,
and L. Æbutius, died of it. The Volsci
and Æqui, imagining they might get
great advantages over the Romans, if
they attacked them in this weak condition, renew-
ed the war under the consulate of L. Lucretius
Tricipitinus and T. Veturius Geminus.
These two magistrates were no sooner
raised to that dignity, but they prepared
to repell the incursions of the enemies. 290.
Year of
Rome
291.
But as they could not raise any great
forces in a city where they plague had just made
such terrible devastation, they called to their aid
the Latins and Hernici*, allies of the Roman
nation. They put themselves at their head, and
fought so bravely, that the enemy was defeated in
three several battles.

* Liv. l. 3.

End of the Third Book.

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H I S T O R Y
OF THE
R E V O L U T I O N S
That happened in the Government
OF THE
R O M A N R E P U B L I C.

BOOK IV.

The tribune C. Terentillus Arsa makes a proposal for drawing up and settling, with the people's consent, a body of laws to serve as a rule in the administration of justice. Geso, for opposing it, is forced to fly into Tuscany to avoid the judgment of the people. The tribunes form a design to ruin such of the senators and patricians as were obnoxious to them. The consul Claudius disappoints them. Appius Herdonius seizes the Capitol. He is attacked by the Romans, and obliged to kill himself. Q. Cincinnatus is fetch'd from the plough to command the

the armies in quality of consul. He refuses to be consul a second time and returns to his plough. He is recalled, to go in quality of dictator, and deliver one of the consuls who was shut up by the enemy, with his whole army. He delivers the consul and his soldiers, beats the enemy, and returns triumphant into Rome. Q. Ceso his son is recalled from banishment. The senate grants the people a power to chose ten tribunes instead of five, provided they drop the project of the Terentillian law. Mount Aventine yielded up to the people by a senatus consultum. The consuls, T. Romilius and C. Veturius, obtain a compleat victory over the enemy. The people, by the persuasion of Siccius, refuse them the honour of a triumph, and even condemn them in a fine, because they opposed the publication of the Agrarian law.

WHILE the two consuls were in the field, a certain tribune of the people named *C. Terentillus Arfa*, undertook to signalize his accession to the tribunate by advancing new proposals. This man having observed that the senate and consuls obstructed from time to time, by their authority, the publication of most of the laws proposed by his colleagues, busied his thoughts how to weaken and reduce a power that was a perpetual object of envy and emulation to the tribunes. He therefore demanded in full assembly, that bounds should be set to the absolute authority of the consuls; and that with the people's consent, there should be an establishment of laws fixed and determined * for the senate to be governed by in the judgments they should pass between man and man.

In order to judge of the importance of this second proposal, it may not be amiss to observe here that Rome as yet had no laws, nor any constant

* D. H. I. 10.

form of administering justice. The sole will of her late kings was instead of a law all the time they reigned. As the consuls and senate succeeded to the regal power, they likewise succeeded to the same supreme right of distributing justice, and regulated their sentences either by the principles of natural equity, or ancient usages : or else by the first laws of Romulus and his successors, some slight footsteps whereof were still to be found in the sacred books which were lodged with the patricians alone. The people knew but little of the matter: most of them being employed abroad in the wars, or else settled in the country, rarely came to town but on market-days about their domestic concerns, or to be present at the comitia and other public assemblies, which were holden only on those days. They referred all their differences to the judgment of the consuls, who always made a mystery to the people of those first elements of their juris prudence.

The death of a great number of patricians, who had been swept away by the plague, and the absence of the two consuls who were actually at the head of the armies, seemed to be a favourable conjuncture for Terentillus to make an innovation in the government. He represented to the people that patrician magistrates were absolute masters of each man's fortune; that whenever any contest arose between a patrician and a plebeian, the latter was sure to come by the worst; that besides losing his cause, he had not so much as the consolation of knowing whether he had right or wrong done him; and he concluded with moving for an immediate establishment of laws, known by every body, to serve for a rule to the magistrates in their sentences, and to the litigants for proofs of the justice or injustice of their cause.

He afterwards fell to railing against the consuls: That their authority was insupportable in a free ci-
ty;

ty; that the ancient kings of Rome enjoyed not a greater share of power; that, like those princes, the consuls had their robes bordered with purple, their curule or ivory chair *; as also guards and lictors to attend them. That at home they were the dispensers of justice, and that those magistrates, at the same time that they thought themselves above the laws, avenged the infringement of them in their inferiors and the common people with the most cruel punishments. Abroad and in time of war they commanded the armies, and always made war, and often peace, without so much as consulting the senate, to whom indeed for form sake they would afterwards give an account of their administration. That thus they had the whole authority of kings, and only wanted the name. But that to prevent their domination from degenerating at length into a perpetual tyranny, he demanded that a choice should be made of five of the best men of the republic, who should be authorized to restrain within due bounds a power so excessive; so that the consuls, for the future, might have no other authority over their fellow-citizens, but what those very citizens should think fit to entrust them with.

The senators were all surprized and startled at such bold proposals: They then found, though too late, the truth of what the two Appius's had so many times foretold them, that the people, after experiencing the weakness of the senate by so many laws extorted from them, would at length openly attack their authority through the fides of the consuls, who were the chief support of it. Luckily † for that body, Q. Fabius in the absence of the consul was at that time governor of Rome. He was of consular dignity, of an intrepid spirit, full of courage and resolution, and an inviolable

* Liv. 1. 3. Dec. 1.

† Tit. Liv. 1. 3. D. H. 1. 10.

adherent to the laws and constitution of the republic.

This stout magistrate finding the consular dignity in danger of being ruined by that enterprising tribune, dispatched away different messengers privately to the two consuls, with notice of what had been offered, and to conjure them to hasten back to Rome with all expedition. He then convened the senate, and represented that till then the Romans in judicial matters had contented themselves with the custom of going according to natural right, and the sole principles of reason and good sense. That multiplicity of laws served only to cloud the truth of things; adding, that he foresaw, with grief, all the misfortunes that would befall the republic from this judiciary form endeavoured at by Terentillus. He afterwards insinuated with much smoothness, that even though such changes might be thought necessary, it was neither honourable nor just in the citizens at home, to proceed to a decision in the absence of the two consuls, and of such part of the people as composed their armies. That when they returned home they might justly resent the hurrying of an affair of such consequence, which as it affected each particular man, ought not to have been determined but in a general assembly of the whole Roman people. That the consuls, as chiefs of the republic, would protest against whatever should be decreed without their privity; whereas so soon as ever those two supreme magistrates appeared in the senate, and the whole people were got together, such measures might be concerted as should be most suitable to the good of the state, and the welfare of the republic. Fabius then inveighed with great vehemence against the author of these new proposals. He said, that Terentillus took advantage of the absence of the consuls to attack the republic; that if the year before, while the plague

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and a war laid waste the city of Rome and its territory, the gods in their wrath had permitted that seditious tribune to be in office, the commonwealth would never have been able to have stood against such severe scourges, and that then Terentillus would infallibly have come at the head of the *Æqui* and *Volsci* and destroyed Rome, or at least have changed the form of its government, though founded under such happy auspices. Then softening his stile a little, he addressed his speech to the other tribunes, and conjured them by the safety of their country to make no innovation till the return of the consuls.

The greater part of the tribunes, overcome by the solidity of his reasons, insinued no longer on the first demand of Terentillus concerning the limitation of the consuls power. Or perhaps the true cause why they waved the design of lessening the consular authority, was their hopes of rising some time or other to that post themselves. But they persisted in demanding a choice to be made from among the senators and plebeians of proper persons to compose and form a body of laws, for determining suits among the citizens. However upon the instances of Fabius they consented to suspend the prosecution of that affair, and the consuls at their return found the city quiet; but this tranquility continued not long. The Hernici, who at that time were in alliance with the Roman people, gave intelligence that the *Æqui* and *Volsci* were secretly arming, and that the new colony of Antium was entered into that confederacy. We have before related, that for want of a sufficient number of Roman citizens willing to settle in that colony, it was filled with people picked up from different parts, Latins, Hernici and Tuscans; some Volscians too had stoln in among them. As these adventurers out-numbered the Romans, they had a majority in the council. They carried on a private

correspondence with the enemies of Rome ; and though they had not as yet declared openly against the republic, their fidelity began to be suspected.

Mean while the senate, to be provided against any surprise, ordered the two consuls forthwith to raise forces : This raising of forces was called among the Romans, *making a choice*, because the citizens being all soldiers, the consuls in case of a war had a power to chuse such as they thought proper for the service. These two magistrates having caused their tribunal to be erected in the forum, cited such as they had pitched upon for the war. But the tribunes withheld them, and revived the proposals of Terentillus for the compiling a body of laws ; and Virginius, the most choleric of the tribunes, bawled out in the forum, that this pretended war was nothing but a trick of the senate to draw the people out of Rome, and so hinder them from giving their votes in an affair that so nearly concerned every individual.

The contest ran high, and gave birth to fresh commotions. There was no longer seen either obedience in the people, or authority in the consuls. Every thing was carried by meer violence : and those magistrates having caused to be arrested a certain plebeian who refused to go to the war, the tribunes rescued him out of the lictor's hands, and set him at liberty. The consuls fearing to expose their characters to greater indignities, quitted the forum and went their ways home, where they remained for some days without once appearing at those tumultuous assemblies wherein such had most authority as could make most noise, especially after it was known that the intelligence of the Hernici was without grounds, and, no such thing as an enemy stirring. The people's ears were now dinned with the absolute necessity of obliging the consuls to regulate their judgments by a body of laws to be published and made notorious to every man.

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Book IV. in the ROMAN REPUBLIC. 199

But the senate, under pretence of preserving their ancient usages, could not be brought to part with that custom of giving judgment arbitrarily.

This year there were violent earthquakes, and fiery exhalations were seen in the air. These phenomena, purely natural, but *Year of which however were by the vulgar looked Rome,* upon as forerunners of new calamities, 292. superseded this affair for some time. Every one was full of sinister presages, which superstition and fear helped to multiply. Some had seen apparitions shifting each moment into a thousand forms; others had heard supernatural voices in the night-time. There are eminent historians who have not demurred to report upon the veracity of these visionaries that it rained raw flesh*, and that while it was falling down piecemeal like snow, birds of prey caught it in the air with their talons. Recourse was presently had to the oracles; the books of the Sybills were consulted. The depositaries of those sacred books, all patricians, gave out that Rome was threatened with a siege, by some formidable power, that would take advantage of its intestine divisions. This prediction seemed to be copied after what had lately happened in the case of Coriolanus's enterprise. And the tribunes probably suspected the priests had modelled their answer by the views and interests of the senate. But on the contrary, the populace, who thought what had been, might be, and who dreaded to see a second Coriolanus at the gates of Rome, obliged their tribunes to have a conference with the senate, in order to contrive some way or other to put an end to their contentions. Several meetings were had, but all to no purpose. Neither of the parties would bate any thing of its pretensions. At length, time having dispelled that terror which the

* Liv. I. 3. D. H. I. 10.

priests

priests had endeavoured to infuse into the people, the tribunes assembled anew, and without consulting the senate, presented to the multitude a draught of a new law, importing that the people should instantly nominate five commissioners to be chosen among the wisest and most intelligent of the senate, That the said commissioners should be empowered to collect together, and put into form, a body of civil laws, as well in respect to public affairs, as private differences that might arise between man and man. That they should make their report in an assembly of the people, and post it up in the most public places, to the end that each individual citizen might be apprized of the same, and enabled to give his opinion thereof. The tribunes having opened this project, declared, they would, defer the publication of it to the third market day, with intent that such as should happen to be of contrary sentiments, might freely lay before the people the reasons of their opposition.

Many of the senators began to exclaim against this new proposal. It occasioned a world of disputes, without coming to any issue. At length the tribunes resolved to carry their point by force. They accordingly convened another assembly, wherein the whole senate appeared. The heads of that body urged to the people, in spight of the tribunes, that it was a thing unheard of, that without a *senatus consultum*, without taking the auspices, and without consulting either the gods or the prime men of the republic, a part of the citizens, even the most inconsiderable part, should pretend to make laws for all the orders of the state. They inculcated their reasons into such of the plebeians as seemed to be most rational. On the contrary the dregs of the populace, prejudiced by their tribunes, with great noise demanded the ballot; but the youngest of the senators and the patricians, quashed the whole project. Quintius Ceso,

Ceso, son of Quintius Cincinnatus a confular, was at the head of them ; he rushes into the crowd, he knocks down or disperses all that were in his way ; and by means of this uproar, which he raised on purpose, he breaks off the assembly, in spite of all that the tribunes could do to keep them together.

*Year of
Rome
292.*

The senators and patricians bestowed on Ceso large encomiums, which only served to heighten his presumption and his rancour towards the populace. He was a young man, of an agreeable figure, well shaped, and had an extraordinary strength of body ; by nature proud, daring, and intrepid : he knew not what it was to fear, and had already signalized himself by an uncommon bravery in battle. As he was no less an orator than soldier, and was always the forwardest to answer the seditious harangues of the tribunes, those magistrates, enraged to find in one single man the vigour of all the patricians, conspired his ruin. After they had agreed among themselves upon articles of impeachment, A. Virginius caused him to be summoned before the assembly of the people.

So long as Ceso was in the warmth of a debate, supported by the senate, who flattered his vanity with their applause, he made show of great resolution and firmness. But his courage failed him at the approach of his tryal ; and the example of Coriolanus made a strong impression in his mind. He is now timorous, he is frightened, he repents of what is past, dreads what is to come, and, like a base coward, almost resolves to desert his party. He put on mourning habit, and with a countenance full of sorrow and humility he went about begging the favour of the meanest plebian.

The day that his affair was to come on, he had not the resolution so much as to shew his face to the people. His father, accompanied by his relations

tions and friends, was fain to appear for him. A. Virginius opened his accusation with reflections upon Ceso's imperious temper, his want of respect for the assemblies of the people, and the outrages he had committed upon private persons. " And " what will become of our liberty, cry'd Virgi-
nius, when the patricians shall have advanced to " the consulate this young ambitious man, who " now in his private capacity already causes just " alarms to his country, by his violent and auda- " cious deeds ? " Hethen produced all the plebeians who had been injured by Ceso, and who demanded justice. His relations and friends, instead of going about to clear him of those pretended crimes, only answered the tribunes invectives with praising the accused. Some recounted all the battles wherein he had distinguished himself; others named the several citizens whose lives he had preserved in those battles: T. Quintius Capitolinus, who had been thrice consul, said he had carried him to the war with him; that he had often seen him in single combat vanquish the bravest of the enemy; and that he always looked on him as the prime soldier of the army. Lucretius, who had been consul the preceding year, added, that it was for the interest of the republic to preserve so compleat a citizen; and that age, by increasing his wisdom, would every day take off from that impetuous character which rendered him odious to the multitude.

L. Quintius Cincinnatus, his father*, a man the most esteemed of any of his age for his capacity in governing the state, and commanding the armies, only begged the people to grant a son to a father that had never wronged any citizen. The respect and veneration that was had for that illustrious old man began to work upon the multitude. But Vir-

* Liv. l. 3. c. 12. D. H. l. 10.

ginius,

ginius, who was bent upon his ruin, answered Cincinnatus, that his son was the more guilty, in as much as he neglected to improve by the example of such a father. That he nourished in his house the tyrant of his country, and that the bright pattern of his ancestors should have taught him to prize the public liberty above his own children.

“ After all, said that tribune, turning to the people, that it may not be thought I have any sinister views, I freely consent, if you will, to waive the injurious speeches Ceso has made in our assemblies against the people; as also the violences he has exercised upon better men than himself. But I beg that my colleague, M. Volscius, be heard in what he has to offer by way of private complaint against him; and I hope the people will not leave unavenged one of their own magistrates that has been so great a sufferer by him.”

Then Volscius ascending the rostrum, to act the part that had been before concerted between them, “ I could have wished, said he, directing his speech to the people, it had been in my power sooner to have brought my complaints for the death of a most dear brother whom Ceso killed in my arms. But the customary violences of this Ceso, together with the interest and credit of his family, made me but too sensible what I had myself to fear from such a prosecution. If I come too late to be his accuser, you cannot but give the hearing at least to the sad testimony I bear of his cruelty and tyranny. It was (continued that hypocrite) under the consulate of L. Ebutius and P. Servilius, returning home one evening, my brother and I, from a friend’s house where we had supped, we met, hard by the public stews, Ceso, full of wine, and accompanied, according to his custom, with several young patricians “ insolent

“ insolent as himself, and who, belike, had been
“ making a debauch together in those houses of
“ prostitution. They at first attacked us with abu-
“ five language, which I indeed was for taking no
“ notice of. But my brother, less patient than
“ myself, answering them as a man that is free,
“ and of a spirit would do, Ceso instantly fell upon
“ him, and being much the stronger man, he so
“ bruised him with his fists and his feet, that he
“ expired upon the spot, notwithstanding my
“ prayers and intreaties, which were the only
“ weapons I had. I could not carry my com-
“ plaints to the consuls, they dying the same year
“ of the plague. L. Lucretius and T. Veturius,
“ their successors, were long time in the field;
“ till they returned I could not think of form-
“ ing my action. But Ceso hearing of my de-
“ sign, came upon me one night unawares in a
“ by-place, and striking me down, repeated his
“ blows so, that to avoid my brother’s fate, I was
“ forced to promise him never to mention what
“ had befallen either of us.”

The people were so exasperated at this story, that, without examining into the truth of the fact, they were going immediately to condemn Ceso to die; but A. Virginius, who was the manager of this whole villany, thought fit to clothe it with the appearance of justice; and to destroy the accused according to the ordinary forms. He required that since Volscius had not his witnesses at hand, Ceso should be secured and imprisoned till such time as his crime could be proved. T. Quintius his kinsman represented, that it was a thing unheard of in a republic, that upon a bare charge, a citizen that was perhaps innocent should be immediately arrested and carried to jail; and that this new method of procedure would strike at the public liberty. But the tribune maintained, that such a precaution was necessary in order to prevent

vent so great an offender from escaping the justice of the people. The question was debated with much intemperance of speech on both sides. In the end, it was concluded, that the party accused should remain in liberty, but that withal, ten citizens should be bound for his forthcoming on the day he was to be tried, or else pay such a fine as should be agreed upon between the tribunes and senate. Ceso, though innocent, durst not trust himself to the judgment of the people, but departing Rome that very night, went and took shelter in Tuscany. The tribunes hearing of his flight, exacted the fine with so much rigour and severity, that Quintius, the father of Ceso, after having sold the best part of his estate, was forced to banish himself to a poor hovel on the other side the Tiber : and that illustrious consular was obliged with his own hands to cultivate five or six acres of land, which were all he then had to live upon, and which have since gone by his name, *the Quintian meadows.*

Ceso being now in exile *, the two tribunes thought the senate must truckle to them, and flattered themselves with hopes of seeing the law forthwith established ; but as it was an affair that concerned almost all the great, the nobility united themselves more closely together after the disgrace of the son of Quintius : And no sooner was the Terentillian project mentioned, but there sprung up as it were a thousand Ceso's, all opposing it with the same intrepidity. The time being come for chusing new consuls, the senate and patricians in conjunction, procured that dignity to fall on C. Claudius, brother of Appius that died : and this they did because he was stanch in the interest of his uncle, without partaking any thing of his rugged temper. They assigned him for colleague

* D. H. l. 10.

P. Valerius, who having once before been consul was therefore named first consul in this election.

Year of Rome 293. The tribunes plainly saw by this combination of the whole nobility, that even though they should every year destroy one or other of the consulars by different ac-

cusations, they would never get the better of a body wherein there was no less harmony than power. Therefore, without amusing themselves in prosecuting judicially such of the patricians as signalized themselves by opposing the law, they secretly formed the execrable design of destroying at one stroke the better part of the senate, and involving in their ruin all such patricians who were obnoxious to them on account either of their wealth or interest. In order to effect so detestable a project, their emissaries were sent about to whisper among the rabble, as if some great design was secretly hatching against their liberty. Such flying reports passing from mouth to mouth, were every time swelled with some additional circumstance more and more dreadful, and which in the end filled the whole city with inquietude, trouble and distrust.

The tribunes seeing the people's minds prejudiced, and in such a ferment as was proper to receive any impression, contrived a letter to be delivered to themselves in public *. While they were sitting in their tribunal, a stranger comes, and in sight of all the people presents them a letter, and was gone again in an instant, and vanished among the crowd. The tribunes lay their heads together, and read it to themselves ; and though they knew well enough beforehand every word it contained, yet did they affect to be astonished, and put on an air of surprize, the better to stir up

* D. H. I. 10.

the curiosity of the people, and make them more uneasy. Then rising from their seats, and having caused silence to be proclaimed by the herald. Virginius addressing himself to the assembly, “ The Roman people, says he, with looks full of consternation, “ is threatend with the most dreadful calamity that “ can possibly befall them: and if the gods, who “ are protectors of innocence, had not discovered “ the wicked designs of our enemies, we had been “ all lost.” He added, that he must first make the consuls acquainted with the thing, and afterwards he would give them an account of what should be resolved on by the senate.

While these magistrates were gone to wait on the consuls, their emissaries, who had spread themselves up and down among the assembly, put about various reports, all tending to make the patricians more odious to the multitude. Some said in general, that for some time past there had been but too much reason to suspect some dangerous plot was contriving against the people’s liberty; others, as if they knew more of the matter, affirmed that the *Æqui* and *Volsci*, in conjunction with the patricians, were to put Ceso at their head, like another Coriolanus; and that, with their assistance, he was to return again to Rome to revenge himself, on his enemies, abolish the tribuneship, and restore the government to its ancient form, and that afterwards the towns and lands which had been taken from the *Æqui* and *Volsci*, were to be given them again as a reward for their services: Some further affirmed, that Ceso was not gone out of Rome: that they had been told he was concealed by one of the consuls; that his purpose was to assassinate the tribunes, some night in their beds. That all the young patricians were concerned in this plot; and that the letter just now delivered into the hands of the tribunes, doubtless contained advice and proofs of it. In short, these creatures of the tribunes

made it their business to talk dismally about this mysterious letter, with intent to keep up the people's prejudice, and increase the hatred they bore the senate and patricians.

The tribunes being arrived at the senate, Virginius, who was spokesman, addressing himself to the consuls and senators, " For a considerable time, conscript fathers, said he there have been strange rumours in this city of a plot upon the liberty of the people. But as they were without vouchers, we looked upon them as empty stories begot by fear and idleness. Since that time, We have received intimations that are somewhat coherent and cloathed with better circumstances: but as these likewise were without voucher, or any author's name, we did not think them deserving enough of your notice, and therefore forbore to report them to you: at the same time, that nothing might be left undone in an affair of this consequence, we caused inquisition to be made privately; whereby we came at sufficient tokens of a plot, though we could not discover the object thereof, nor who were at the head of it, or otherwise engaged in it. At length (not above two hours ago) we are let into this terrible mystery; a letter we just now received, as we were sitting in our tribunal, informs us that there is a conspiracy, and sets forth the design of the conspirators. The first tokens, which as I told you we had come at, concur exactly with the intelligence contained in this letter. In so imminent a danger, wherein to lose time in deliberating how to punish this crime, would be almost as bad as the crime itself, we hastened, as in duty bound, to come and give you information of it, and to lay before you such things as will make your ears tingle to hear.

" Be it known to you, conscript fathers, we have received a letter which advises us of persons

" of

“ of the highest rank, senators and knights, too
 “ many to be now particulary named, that have
 “ resolved absolutely to abolish the tribunate, and
 “ and all the rights and privileges of the people.
 “ That to compass such detestable designs, they
 “ have agreed that Ceso Quintius, at the head of
 “ a body of *Æqui* and *Voltci*, shall clandestinely
 “ and by night come to such a gate of the city,
 “ which his accomplices are to keep open for him:
 “ that he shall be introduced without noise into
 “ the city: and that ‘the principal conspirators,
 “ divided into different parties, and favoured
 “ by the darkness, shall go and fall upon the tri-
 “ bunes unawares in their houses, and that at the
 “ very same time all our throats were to be cut,
 “ together with the principal of the people, and
 “ such as in the assemblies were wont to express
 “ most zeal for the defence of liberty.

“ We conjure you, conscript fathers, not to
 “ give us up to the rage of these blood-hounds.
 “ In order to prevent their evil designs, we hope
 “ you will not refuse us a *senatus consultum*, im-
 “ powering us to inform ourselves of this conspi-
 “ racy, and to secure the ring-leaders thereof.
 “ It is highly reasonable that the magistrates of
 “ the people take cognizance by themselves of
 “ what concerns the welfare of the people, and
 “ that such a decree as we demand be immediate-
 “ ly granted, without wasting time, as is too often
 “ the case in formal speeches and putting of
 “ questions: the least delay were dangerous:
 “ who knows but this very night may be pitched
 “ upon for the execution of this bloody design. To
 “ conclude, they must be conspirators themselves
 “ that are against enquiring into the conspiracy.”

There was not a senator but detested such an enterprize; they were however divided as to the answer they should make to Virginius. The more timorous were apprehensive that a refusal would

irritate the people, and raise a sedition. But those, on the contrary, who were of a firmer character, represented that it was no less dangerous to grant the tribunes a *senatus consultum*, than to put arms in the hands of raging madmen, who would immediately employ them against the chief of the senate. In this diversity of opinions, C. Claudius, one of the consuls, arose, and addressing himself to Virginius, declared that he did not oppose the enquiry which he demanded; that he even consented the plebeian magistrates should be the inquisitors; but that first of all he was for examining whether the conspiracy were real and undeniable: "Let us therefore," says he to him, see who sent that mysterious letter which you received in your tribunal; who are the senators and knights named in it? Why do not you name them yourself? Surely we have time enough to hear the names of those great criminals. Why did you not at least lay hold of the bearer of an anonymous letter, that contained so foul an accusation against the principal men in the republic? I am no less surprised, that you have not made us sensible of the wonderful concurrence there is between the circumstances which at first made you suspect some conspiracy to be on foot, and the letter which acquaints you with the heads and accomplices of it. Is it possible you could imagine the senate would deliver over our most illustrious citizens to your fury, upon the bare credit of a letter destitute of all manner of proofs?

"Yes, conscript fathers, the tribunes flattered themselves you would do this; and the easiness with which you have lately suffered us to be robbed of Ceso, made those seditious magistrates entertain a notion, that under so weak a government, they might venture at any thing. This is the bottom of this chimerical conspiracy with

" with which they thought to frighten us; and if
 " the state has reason to apprehend any danger, it
 " is only from these wheedlers of the people, who
 " though they set up for the defenders of the pub-
 " lic liberty, are indeed its enemies."

This discourse pronounced resolutely by a consul, whose penetration and probity were acknowledged by all, quite cast down the courage of the tribunes. They went out from the senate with no less shame than indignation. The people were waiting for them; they repaired to the assembly, where they inveighed equally against the consul, and against the whole senate.

But C. Claudius followed them; he mounted the rostrum first. Armed with that confidence which flows from truth, he expressed himself to the people in the same manner that he had to the senate, and spoke with so much strength and eloquence, that the better sort among the people were convinced that this private scheme of a conspiracy about which the tribunes made so much noise, was only an artifice invented by themselves, to have it in their power to destroy their enemies. None but the rabble persisted in believing the reality of this imaginary conspiracy, which helped to nourish their hatred against the patricians: and the tribunes carefully maintained them in an error, which gave them an opportunity of fanning their own zeal.

In a government so full of troubles and commotions *, Rome was upon the brink of falling under a foreign yoke. A private Sabine formed a design so daring; his name was Appius Herdonius; a man of distinction in his own country for his birth, wealth, and the great number of clients who followed his fortunes; withal, ambitious, bold,

*Year of
Rome*

293.

* D. H. I. 10. Liv. Dec. I. 1. 3. c. 15.

enterprising.

enterprizing. He imagined it was not impracticable to surprize the city, because of the divisions that raged between the people and the senate. He reckoned that he should raise the slaves, be joined by all the exiles, and even get the common people to declare for him, by entertaining with hopes that he would make them the absolute disposers of the laws of the government. His design was, after having surprised Rome, to make himself the sovereign of it; or to deliver up the city to the community of the Sabines, in case he were not able with his own forces to maintain himself in his usurpation,

He first communicated his design to his particular friends. Many entered into his project, in hopes of enriching themselves by the plunder of Rome; by their means he raised four thousand men, as well his own clients, as a great number of fugitive slaves, exiles and men of no settlement, whom he gave a retreat to in his own estate. He then filled some flat-bottomed vessels with these troops; and driving down the stream of the Tyber in the night-time, landed before break of day by the side of the Capitol. He got up the hill without being perceived by any body, and under cover of the darkness possessed himself of the temple of Jupiter, and the fortrefs adjoining to it. Thence he throws himself into the neighbouring houses, and cuts the throats of all that refuse to join him. While part of his soldiers fortify themselves and cut intrenchments along the hill, those Romans that had escaped the first fury of the Sabines run down to the city, carrying terror and affright along with them. The alarm spread every way; the consuls, awakened by the noise, and no less fearful of the domestic than the foreign enemy, know not whether this tumult comes from within or without. Their first care is to place guards in the forum, and at the city gates. The night is spent in doubts

doubts and uneasiness : at length day comes, and discovers who is the head of so daring and so strange an enterprize.

Herdonius from the top of the Capitol displays a hat fixed upon a spear, as the signal of liberty, with design to engage the slaves, who were very numerous in the city, to come and join him. His soldiers, in order to keep the people from taking arms, cry that their general is come to Rome only to free the inhabitants from the senate's tyranny, to abolish usury, and set up laws advantageous to the people. The consuls got the senate together by break of day. They agreed to make the people take arms. The tribunes declared they would not oppose it, provided they did but know beforehand what reward the citizen and soldier might expect : " If you will promise us upon oath, said they to the consuls, that as soon as we have retaken the Capitol you will nominate the commissioners whom we demand for the establishing of a body of laws, we are ready to march against the enemies. But if you are yet inflexible, we shall take care to withhold the people from exposing their lives to support so cruel and so tyrannical a government."

The senate heard not without the quickest indignation, that the tribunes should thus set a price as as it were upon the defence of the city and the people's service. It was plain they intended to take advantage of the present dangerous conjuncture. C. Claudius was rather for going without the people's mercenary assistance, than buying it with such odious conditions. He was of opinion that the patricians themselves, with the help of their clients, were powerful enough to drive out the enemy. That if they should happen to want a greater number of troops, they might call the Latins and the other allies to their aid ; and that in case of extremity, they had better arm even their slaves

slaves than to submit to the tribunes. But the oldest senators, and those that had most authority, seeing the enemy over their heads, and fearing the Sabines, the *Æqui* and the *Volsci* might be let into the city, were of opinion, that in so imminent a danger they ought not to refuse the people any thing that could induce them to take arms immediately. P. Valerius, first consul, who was of this mind, went to the forum, and promised the people, that as soon as ever the Capitol was retaken, and the city restored to quiet, he would not hinder the tribunes from proposing the law : and that as to his own particular, whenever it was brought into deliberation, he would only consult the good of his fellow citizens, and would always remember his name as an hereditary obligation upon him to favour the people's interests in all things that were not contrary to the general good of the republic. The people charmed with these hopes took arms, and solemnly swore never to lay them down without leave from the consuls. The Romans called this way of arming *tumultus*, because occasioned by unforeseen accidents. None was exempt from it. The general usually pronounced these words : *Let those that would save the republic follow me.* Then those who were assembled, swore all together to defend the commonwealth to the last drop of their blood : which was called *conjuratio*. When the people, all armed, had taken these oaths, the two consuls, according to custom, drew lots which should lead on the attack. This post fell to Valerius, and Claudius in the mean time marched out of the city at the head of a body of troops, to hinder any succours from coming to Herdonius, or to keep the enemy from attacking any other part of the city to make a diversion.

But no troops appeared in the country, except one legion, which L. Mamilius, the supreme magistrate of Tusculum, sent of his own accord to the assistance

assistance of the Romans : Claudius ordered it to march into the city. Valerius put himself at the head of the citizens and allies, and marched strait against the enemy. The Romans and Tusculans fought with equal emulation. They strove who should have the glory of forcing the intrenchments first. Herdonius bore their onset with a determined courage : he was besides favoured by the superiority of his post. They fought for a long time with great fury and equal obstinacy. The day was already far spent, before it was possible to distinguish which side had the advantage. The consul Valerius striving by his own example to encourage his soldiers to make another push, was slain at the head of the attack. P. Volumnius, a consular person that fought near him, caused his body to be covered, in order to conceal from the troops the knowledge of so great a loss. He afterwards led them on so bravely, that the Sabines were forced to give ground, and the Romans carried the intrenchments before they perceived that they fought without a general. Herdonius, having lost most of his soldiers by disputing the ground inch by inch, seeing himself without hopes, and his fortifications forced, caused himself to be killed, to avoid falling alive into the hands of the Romans. Those few of his soldiers that were left fell most of them upon their own swords ; some threw themselves from the top of the rock. Those that the Romans could take alive, were treated as robbers. They no less severely punished the deserters and exiles that had joined Herdonius ; and by this victory the foreign enemy was drove out of the city. But the domestic foe still continued the most powerful in it, and the tribunes even took occasion from this advantage, and the promises of the consul Valerius, to renew their pretensions and to raise fresh troubles.

Those magistrates of the people, or to speak
more

more properly those eternal fomenters of all seditions, cited Claudius to propose the law, and thereby to satisfy the manes of his colleague, who had bound himself to do it in so solemn a manner. The consul, to slacken their heat and gain time, had recourse to various pretences. At one time he excused himself from holding the assembly, upon account of the necessity there was of purifying the Capitol, and offering sacrifices to the gods. At another time he amused the people with games and public spectacles. At length, having quite worn out these pretences, and finding himself close pressed by the tribunes, he declared that the republic being deprived of one of her rulers by the death of Valerius, it was expedient, before they offered to establish any new law, to proceed to the election of another consul ; and accordingly he appointed the day when the comitia of centuries should be held. The senate and the whole body of the nobility and patricians who were so greatly concerned to oppose the reception of this law, resolved to chuse in the room of Valerius some consular, whose merit might please the people, and who yet would take care to defeat the tribune's proposal. With this intent they cast their eyes upon L. Quintius Cincinnatus, the father of Ceso whom the people had lately banished with so much malice. And they took their measures so well, that the day of election being come, the first class, consisting of eighteen centuries of cavalry and fourscore of infantry, gave him their voices ; this unanimous consent of all the centuries of a class which out-numbered all the rest, secured him that dignity, and he was declared consul in his absence, and without his participation. The people were surprized and terrified at this choice : they plainly saw that by setting over them a consul provoked with the banishment of his son, the whole design was to defer the publication of the law. Nevertheless the depu-

ties of the senate, without giving any heed to the people's discontent, went to fetch Quintius out of the country, whither he was retired since his son's disgrace, and where he tilled with his own hands five or six acres of land which were left out of the broken remains of his fortune.

These deputies found him driving the plough with his own hands. By saluting him consul, and presenting him with the decree of his election, they made him acquainted with the subject of their journey. That venerable old man was under some doubt what resolution to take. Being wholly free from ambition, in his own choice he preferred the sweets of a rural life to all the pomp of the consular dignity. Nevertheless, love of his country prevailing in his mind above his own satisfaction, he took leave of his wife, and recommending to her the care of the house, "I fear, says he, my dear Racilia, our fields will be but ill-manured this year." They at the same time invested him with the robe bordered with purple, and the lictors with their fasces presented themselves to guard him and receive his commands. Thus his merit and the necessities of the state brought him back to Rome, where he had never set his foot since his son's disgrace. He had no sooner taken possession of the consulship, but he got an exact relation to be made to him of all that happened in Herdonius's invasion. Thence taking occasion to convene the assembly of the people, he mounted the rostrum and without declaring himself either for the people or senate, he reprimanded them both with equal severity. He reproached the senate, that by their continual compliance with all the tribunes pretensions, they had fed the insolence and rebellious spirit of the people. He said there was left in the senate none of that love of their country, and that desire of glory which seemed to be so natural to their order. That a timorous policy had taken place of the legal au-

thority, and of the firm resolution which was so necessary in government. He added, that an unbridled licentiousness reigned in Rome : That subordination and obedience seemed quite banished from it. That now but lately, to the shame of the Roman name, some seditious men had been seen to put a price upon the defence of their city, ready to acknowledge Herdonius for their sovereign, if they might not change the form of the government.

' This is the fruit, cried he, of those continual harangues with which the people are so infatuated. ' But I shall take care to carry them out of the way of these seducers, which now reign in Rome with more insolence and tyranny than ever did the Tarquins. Know then, ye Roman people, that my colleague and I have resolved to make war upon the *Æqui* and the *Volsci*. We declare too, that we will even pass the winter in the field without ever re-entering, during our consulate, into a city so full of seditions. We command all those that have taken the military oath to appear to-morrow with their arms at the Lake Regillus. That shall be the rendezvous of the whole army.'

The tribunes answered in a scoffing manner, that they did not know but he might chance to go to the war alone with his colleague, and that they would take care no levy should be made. ' We shall not want soldiers,' replied Quintius; ' and we have yet under our command all these that took arms before the Capitol, and swore solemnly not to lay them down again without permission from the consuls. If by your instigation they refuse to obey us, the gods avengers of perjury will know how to punish them for their desertion.'

The tribunes to evade so positive an engagement, cried out, that that oath bound them only to the person of Valerius, and so was buried with him in his tomb. But the people, more plain-hearted, and in those days ignorant of the pernicious art of interpreting

interpreting the laws of religion according to their own purposes, rejected so frivolous a distinction. Every man prepared himself to take arms, though very unwillingly. What still increased their repugnance, was a report which was spread about, that the consuls had given private directions to the augurs to be very early in the morning at the bank of the lake. It was apprehended that their design was to hold a general assembly there, and that so all which had been done in former ones for the advantage of the people might be there annulled, since they could then receive no benefit from the assistance and opposition of the tribunes, whose authority and function were confined to a mile about Rome: So that if they had gone to that assembly, they would have had no more regard paid to them, than the meanest plebeian, and have been equally subject to the power of the consuls.

Quintius, to keep the people in awe, gave out over and above, that at his return he would convene no assembly for the election of new consuls; but that he was resolved to name a dictator, to the intent that the seditious might learn by their punishment, that all the harangues of the tribunes would not be sufficient to shelter them from the power and definitive sentences of the supreme magistrate.

The people, who till then had never made war but against enemies bordering upon Rome, being always accustomed to return home to their houtes at the end of every campaign, were struck with consternation at a design which threatened to make them spend the winter in a camp. The tribunes were no less alarmed at the thoughts of an assembly out of Rome, where resolutions might be taken contrary to their interests. Both intimidated by the firmness of the consuls, had recourse to the senate. The women and children, all in tears, conjured the principal men in the senate to mollify

Quintius, and to prevail with that rigorous magistrate that their husbands and their fathers might return to their homes at the end of the campaign. The affair was put upon a kind of negociation. This was the point to which the consul by this affected but necessary severity wanted to bring the tribunes. A sort of provisional treaty was made between them : Quintius promised not to take arms, and not to force the troops to winter in the field, unless he were constrained to do it by some new incursions of the enemies ; and the tribunes on their parts bound themselves to make no proposal to the people concerning the establishment of the new laws.

Quintius, instead of making war, spent the whole time of his consulate in dispensing justice between man and man. He gave audience to every body freely ; he examined the pleas of each party with attention, and then gave such equitable judgments, that the people charmed with the mildness of his government, seemed to have forgot that there was any such thing as tribunes in the republic.

Notwithstanding a conduct so full of moderation and equity, Virginius, Volscius and the rest of the tribunes used all their endeavours to get themselves perpetuated in the tribuneship, alledging that the people stood in need of their zeal and capacity to procure the reception of Terentillus's proposal. The senate, foreseeing the abuses that might proceed from such a perpetual magistracy, made a decree prohibiting any citizen from standing two years together for the same office. But without any regard to a regulation so necessary for the maintaining of the public liberty, those tribunes, accustomed to the sweets of authority, made so much stir, that they were continued in the same employment a third time. The senate apprehending there was nothing which those seditious spirits would not attempt, without considering the decree
they

they had just published, were also on their side for continuing Quintius in the consulship ; but that great man opposed it warmly ; he represented with great gravity to the senators the wrong they did themselves in offering to violate their own laws *. That nothing shewed the weakness of the government more than that multitude of new laws which were proposed daily but never observed. That it was by this wavering conduct that they justly drew upon themselves the contempt of the multitude. The senate, equally touched with the wisdom and the moderation of Quintius, returned to his opinion. The election was made ; Q. Fabius Vibulanus and L. Cornelius Maluginensis were named consuls for the ensuing year. Scarce Year of was Quintius out of his post but he went Rome, back to the country to resume his former 294. labour and occupations

After his departure, † the friends of his family, and among others A. Cornelius and Q. Servilius, both quaestors that year, provoked at the unjust exile of Ceso, prosecuted M. Volscius his accuser for being the author and minister of so cruel a prosecution. Those two quaestors, by the power belonging to their office, convened the assembly of the people. They produced their witnesses, some of which gave testimony that they had seen Ceso in the army, on the very day when Volscius pretended he killed his brother at Rome ; others affirmed that Volscius's brother died of a languishing distemper, which was upon him some months, and that he never stirred out of his house after he fell ill. These facts and many others were attested by so many persons of unquestionable credit, that there was no room left to doubt of Volscius's malice in this calumny. But the tribunes, being the colleagues and accomplices of Volscius, put a stop

* Val. Max. I. 3. c. 1.

† Liv. Dec. I. l. 3.

to this prosecution, declaring they would not suffer the peoples votes to be gathered upon any affair whatsoever, before they had given their suffrages with regard to the laws proposed. The senate made use of the same excuse in their turn, and whenever the five commissioners demanded by the tribunes were talked of, revived the business of Volscius. The consulate of Fabius and Cornelius passed away in these successive contentions.

The wars broke out afresh under that of C. Nautius and L. Minutius their successors. The

Year of Rome, 295. Sabines and *Æqui* renewed their irruptions. Nautius marched against the Sabines, defeated them, and entered their territories where he laid all waste with

fire and sword. Minutius was not so successful against the *Æqui*. That timorous general, who thought less of conquering than of avoiding being conquered, had like to have perished with his whole army through excess of precaution. He suffered himself to be pushed by the enemy into straits, where at his back, at his right and left he had mountains that indeed covered his camp : This rugged place left him but one passage out : The *Æqui* were beforehand with the Romans, and got possession of it. They then fortified themselves in such a manner, that it was impossible to constrain them to fight : They easily fetched their provisions and forage from the country behind them, while the Roman army shut up within the straits of those mountains, were in want of every thing. Some horsemen, who under cover of the night made their way through the enemies camp, carried the news to Rome. They said, that the army being surrounded on all sides, and in a manner besieged, would for want of provisions be obliged to throw down their arms, if they were not speedily relieved. Quintus Fabius, the governor of the city, immediately dispatched a messenger to the other consul to inform

inform him of the extremity his colleague was in : Nautius leaving his army under the command of his lieutenants, set out privately, and repaired to Rome in all haste. He arrived there in the night, and after conferring out of hand with some of the chief of the senate, it was agreed, that it was necessary upon this occasion to have recourse to the remedy, which was usually made use of in the greatest calamities, that is to say, to name a dictator. The consul, according to the prerogative of the consulship, named L. Quintius Cincinnatus, and returned with the same diligence to put himself again at the head of his army. The governor of Rome sent the consul's decree to Quintius ; they found that great man as before, cultivating his little inheritance with his own hands. The deputies, at the same time that they gave him information of his new dignity, presented to him four and twenty lictors armed with axes bound up in their faces, a kind of guards used by the ancient kings of Rome, and which the consuls had retained in part, only they never carried axes in the city but before the dictator. The senate having notice that Quintius drew near, sent him a boat in which he crossed the Tyber ; his three children, his friends, and the principal of the senate received him at his landing, and conducted him to his house. The dictator next day named for general of his horse L. Tarquitius, a patrician of uncommon valour, but who not having wherewithal to buy and keep a horse, had till then never served but in the infantry. Thus all the hopes of the republic lay in an old man just taken from the plough, and a foot soldier raised to be general leader of the horse.

But these men, whose poverty was glorious to them, wanted for no greatness of soul and valour in command. The dictator ordered the shops to be shut up, and all the inhabitants that were of an age fit for arms, to be before sun-set in the field of Mars,

Mars, each with twelve stakes, and victuals for five days. He then put himself at the head of these troops, and before day arrived pretty near the enemy's camp. He went himself and viewed it, as well as the obscurity of the night would permit him. His soldiers by his command made several loud shouts, to give the consul notice of the arrival of succour, they intrenched themselves, and fortified their intrenchments with a palisado, made of the stakes they had brought from Rome: And these intrenchments served at the same time to shut up the enemy's camp. The general of the *Æqui*, named Gracchus Duilius, endeavoured, notwithstanding the darkness, to interrupt this work. His troops advanced, but with that fear and doubt which is always occasioned by the night and a surprize. Quintius, who foresaw this attack, set one part of his army against them, while the other continued to intrench themselves. The noise of the fight and the shouts of the combatants made the consul yet more certain that succour was come. He attacked the camp of the *Æqui* on his side, not so much with hopes of carrying it, as with design to make a diversion. This second attack drew part of the *Æqui* to that side, and gave the dictator time to finish his intrenchments, so that the enemy at break of day saw themselves in their turn besieged by two armies. The battle began anew at the return of light. The dictator and consul then attacked the enemy's camp with their whole power. Quintius found the part that he attacked the least fortified, because the general of the *Æqui* did not imagine he should have occasion to defend himself on that side: He made but a weak resistance, and being apprehensive that his camp would be won sword in hand, he had recourse to negotiation. He sent deputies to the consul, who, without so much as hearing their message, referred them to

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the dictator. Those deputies being come to his presence, notwithstanding the heat of the action, conjured him to restrain the impetuosity of his soldiers, and not to make his glory of the destruction of almost a whole nation ; and offered him to quit their camp and retire without baggage, without cloaths and without arms. Quintius replied sternly, that he did not esteem them so much as to think their death would be of any consequence to the republic * ; that therefore he freely granted them their lives ; but that their general and principal officers must remain prisoners of war, and all their soldiers pass under the yoke, otherwise he would immediately cut them all to pieces. The Æqui being surrounded every way, submitted to all the conditions that their victorious enemy pleased to impose on them. Two javelins were fixed in the earth, and a third fastened across upon the points of those. All the Æqui, naked and unarmed, passed under this military portico : An infamy which the conquerors were wont to impose upon the vanquished, who could neither fight nor retire. At the same time they delivered up to the Romans their general and officers, who were reserved to attend the dictator's triumph.

Quintius gave the plunder of the enemy's camp to the army he had brought with him from Rome, without retaining any thing for himself, or suffering the troops of the consul, whom he had relieved, to take any share in it. ' Soldiers, said he to them severely, you that were upon the brink of falling a prey to our enemies, you shall have no share in their spoils. Then turning to the consul : ' And you, Minucius, added he, you shall never more command these legions in chief, till you have shewn more courage and capacity. This military correction did not at all lessen the respect

* D. H. I. 10. Liv. Dec. I. I. 3. c. 28. Val. Max. I. 2. c. 7.
and

and acknowledgment which these troops paid their deliverer ; and the consul and his soldiers decreed him a crown of gold of a pound weight, for having saved the lives and honour of his fellow-citizens.

The senate having received advice of the victory which the dictator had obtained, and the judicious partition he had made of the enemy's spoils, being perfectly ashamed that so great a captain should spend his old age in poverty, sent him word they designed he should take to himself a considerable share of the booty he had won from the enemy. They were even for allotting him a portion of the lands conquered from the Aequi, with a sufficient number of slaves and cattle to stock it. But Quintius thought he owed his country yet a greater example. He preferred that poverty, which he looked upon as the asylum and support of liberty, to all the wealth that was offered him ; being persuaded that nothing can be more free and independent than a citizen who without having any expectations from others, receives his whole subsistence from his own labour or inheritance.

This great man, in less than a fortnight's time, brought off the consuls army, defeated that of the enemy, and returned back to Rome in triumph. There were led before his chariot the enemy's general and a great number of officers in chains, who were the chief ornament of that procession. The Roman soldiers followed him with garlands of flowers upon their heads, celebrating his victory with military songs. He then abdicated the dictatorship the sixteenth day after his advancement to it, though he might legally have held that dignity six months. Such uncommon moderation added yet more to his glory, and the love of his fellow-citizens.

The friends of his family laying hold of this favourable conjuncture, at length prevailed to have Volscius

Volscius the accuser of Quintius Ceso, his son, brought to a trial before his abdication. The assembly was held ; the informer being convicted of calumny and false testimony, * was condemned to perpetual banishment ; Ceso was recalled home, and the tribunes finding the people adored his father, durst not oppose so just a sentence. Quintius, contented with his son's return, and cloathed with glory, broke away from the praises of the Romans, and went again and buried himself in his cottage, where he fell once more to his old labours.

He did not stay there long ; new disturbances raised by the tribunes of the people upon account of the publication of the Terentian law, out of spite at Ceso's return, Year of Rome obliged the senate to recall his father, to 296. set him up against those seditious magistrates. The Sabines and *Aequi*, under the consulate of C. Horatius and Q. Minucius, had lately been making their customary inroads up to the very gates of Rome. The senate immediately ordered the two consuls to march against the enemies out of hand. The conduct of the army appointed against the *Aequi* fell by lot to Horatius ; and Minucius was intrusted with the command of that which was designed against the Sabines. But when the people were to arm, the tribunes opposed it, and protested in their old way, that they would not suffer one plebeian to give his name to go to the war till they proceeded to the election of the commissioners. The consuls, who could not without concern see the enemy laying waste the territory of Rome with impunity, convened the senate to find means to remove their opposition. Quintius, who was come back from his country retreat, represented with his usual firmness, that instead of wasting time in contending with the tribunes, they

* Cic. pro domo suā.

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ought to march directly against the enemy ; that if the people, still misled by their tribunes, persisted in their disobedience, he advised that the whole senate and the patricians, with their friends and clients, should take arms ; that spite of the tribunes, they should be followed by all good men who sincerely loved their country ; that for his part, though depressed with years, he was ready to set the example first, and that they should find in battle either a glorious victory or an honourable death.

The whole senate applauded so generous a resolution. Those venerable old men hastened to their houses to take arms ; and attended by their sons, their clients and their servants, they repaired to the forum where the consul C. Horatius had convened the assembly. The people all flocked thither, and seemed touched at so new a sight. The consul represented to them, that all those illustrious men chose rather to expose themselves to almost a certain death, than to endure the enemy any longer at the gates of Rome, and exhorted all good citizens to join them, in order to avenge the glory of the Roman name. But Virginius, who had got himself continued five year together in the tribunship, cried out with great vehemence, that he would never suffer the people to take arms till the business of the laws was first determined. The consul upon this, turning towards the tribune with a countenance full of indignation : “ It must be confessed, says he to him, you perform a very heroic action, and keep strictly up to your ordinary behaviour, in fomenting eternal divisions between the people and the senate ; but do not imagine your clamours and opposition shall make us abandon the republic, founded upon such fortunate auspices. Know, Virginius, and you other tribunes, that these illustrious old men, whom you see bending more under the number of their years, than the weight of their armour,

" are going to fight generously against the enemies
" of the Roman name, while you the intrepid de-
" fenders of the people's rights, lie hid behind our
" walls, and, like fearful women, wait with an-
" xiety for the event of the war. Unless perhaps
" you please yourselves with a fancy, that after the
" doubtful chance of arms has rid you of the se-
" nate and the Roman nobility, the enemy, when
" victorious, as a recompence of your cowardice
" and baseness, will leave you in a quiet enjoy-
" ment of the tyranny you have usurped, and not
" destroy Rome, though in every part of it they
" find nothing but monuments and trophies of
" their former defeats.

" But even though for your sakes they should
" spare it, be assured, that our wives and children,
" after having lost their fathers, their husbands,
" and all that was most dear to them, will have
" too much courage to survive us; they are
" firmly resolved to set every thing in flames, and
" so bury themselves under the ruins of their coun-
" try. Such, O Romans, added the consul, are
" the dismal effects which your perpetual dissen-
" sions must unavoidably produce."

The people were melted at so moving a dis-
course; every body shed tears: the consul finding
them softened, and giving way himself to his sor-
row, " Are not you ashamed, added he, to see
" those illustrious old men, those senators whom
" you call your fathers, devote themselves gene-
" rously to a certain death for a rebellious and in-
" solent people? do you deserve the name of Ro-
" mans? And ought you not to hide your heads
" with confusion, false as you are to your coun-
" try, deserters of her armies, and greater ene-
" mies to your generals than the very *Aequi* and
" *Sabines?*"

Virginius, perceiving that the consul's reproach
made an impression upon the multitude, thought it

time to conform to the present conjuncture ; and assuming a milder behaviour ; " No, we will never abandon you, conscript fathers, said he ; " we are not capable of betraying the interests of our country. We will live and die with you : death must be pleasant to us, fighting under such worthy leaders for the common defence of our country. It is true, that being citizens of the same state, and contributing all equally, and with the price of our blood, to establish liberty, we have demanded laws superior to the authority of the senate, and restrictive of its extent. But is it not the essential constitution of all republican states, that no body should be subject to any but the law, and that the law should be more powerful than the magistrate ? Nevertheless, if you persist in your resolution of standing to the ancient customs, I consent for my particular to mention it no more ; I will even wave my opposition ; and I am ready to exhort the people to take arms and follow you, provided you will grant them one favour, which will be of service to them, without being at all detrimental to your authority."

The consul made answer, that if his request was reasonable, the people would always find the senate ready to favour them, and that he might freely speak his mind. Virginius having conferred a moment with his colleagues, replied, that he desired he might explain himself in the senate. The consuls immediately adjourned to it : Virginius followed them : he carried with him the original decree of the creation of the tribunes. Being admitted into the assembly, he read it aloud with the permission of the consuls, and added : " All that the people request of you by my mouth, conscript fathers, is, that you would please to add five tribunes more to those that were first established upon the Mons Sacer, so that henceforth the

"the five first classes may each have two tribunes." Virginius then retired, to leave the senate to deliberate about his proposal. Caius Claudius highly opposed this new demand. He represented to the assembly, that to add five more tribunes to the five old ones, was to multiply the number of their enemies; that by degrees they would form a second "senate, whose only aim would be to ruin the authority of the first. But Quintius took this in another light; he maintained on the contrary, that by multiplying the number of the tribunes, it would make it the more easy to sow divisions among them. That there would always be some one less seditious than the rest, who out of respect to the senate, or perhaps out of jealousy, would oppose the enterprizes of the others, which would be sufficient to prevent them from taking effect. That they ought to rejoice to see them renounce for this the new laws which they before demanded so earnestly; since no body was to be told, that in matter of government, all change in the laws shook the very foundations of the state. The opinion of that great man passed by plurality of voices.

Virginius was called in again; the first consul informed him that the senate granted his request. He took care to set off this new favour in terms agreeable to the dignity of the body which he was at the head of: and the senate and people, with a mutual agreement, concurred equally, though with opposite views, to the augmentation of the number of the tribunes.

It was not long ere the senate found that their compliance with the last demands of the people, only put them upon new pretensions. And indeed the tribunes, grown more audacious than ever by their number, proposed that Mount Aventine should be granted to the people, or at least that part of it which was not occupied by patricians,

cians *. L. Icilius, the head of the college of tribunes, remonstrated, that the land of that mountain belonged to the republic; that some patricians had indeed purchased certain parcels of it; but that others had got possession of what they enjoyed by mere usurpation. That the remaining part of that ground being uncultivated and uninhabited, he demanded that it should be given gratis to the people, who growing daily more numerous, began now to want habitations. He proposed at the same time, that the patricians should be confirmed in the possession of those parcels which they could shew good claims to, and that those of that order should be turned out who had built upon it without any lawful title, being however first repaid the value of the houses.

To outward appearance there was nothing but justice in this proposal: it was besides Year of Rome, a matter of small importance: but M. Valerius and Sp. Virginius, the consuls for that year, apprehending that from

297. this partition of Aventine, the people might claim a right to renew their old pretensions upon the conquered lands, delayed calling the senate, in hopes this new demand would by degrees fall of itself. Icilius perceiving the design of the consuls in this affected omission to convene the senate, ventured upon an attempt never heard of before: he sent them an apparitor, commanding them to assemble the senate forthwith, and repair to it themselves without delay.

The consuls, justly provoked at the tribune's audaciousness, and the apparitor's want of respect, ordered that errand-bringer of theirs to be driven away ignominiously; and one of the consul's lictors, by their directions, gave him some bastinadoes for his pains. This was enough to open the seditious mouth of the tribune, who only want-

* D. H. l. 10.

ed a pretence to inveigh against the senate. He represented to the people, that in the person of his apparitor they had violated the sacred privileges of the tribuneship ; he caused the consul's lictor to be seized, and was immediately for putting him to death, as a man guilty of sacrilege, and devoted to the infernal gods. The consuls, though the chief magistrates of the republic, could not rescue him out of the hands of those who were both his adversaries and his judges.

The senate endeavoured to gain over some one of the tribunes that might put a stop to this fury of his colleague ; but Icilius had been before-hand with them there, and had so warmly represented to all the tribunes that the power and strength of their college lay wholly in their union, that they agreed none should oppose what was determined among them by plurality of voices. Thus the poor lictor saw himself just upon the point of losing his life, for having obeyed the orders of the consuls too punctually. The senate, to save him, were obliged to come to a composition with the tribunes : Mount Aventine was yielded to the people by a *senatus consultum*, and the lictor was released. But this affair made a very great breach in the authority of the consuls ; for the tribunes, after the example of Icilius, kept themselves always afterwards in possession of this new prerogative of convening the senate ; they who at their institution durst not so much as go into it, but attended its commands under a portico like common officers.

They did not stop here ; Icilius, the boldest and most enterprizing of all the tribunes, being continued in that magistracy for the following year, laid a design to bring the consuls themselves under their subjection, and to oblige those chief magistrates of the republic, though invested with the sovereign power, to undergo the judgment of the assembly of the people.

T. Romilius and C. Veturius, who were consuls this year, finding the state was never more at rest at home than when her arms were carried abroad, resolved to make war against the *Aequi* abroad, and *Sabins*, in revenge of their continual inroads and devastations. The business was to raise troops, and get the legions to march out of Rome. The two consuls, but especially Romilius, a magistrate severe and haughty in his nature, raised those troops and proceeded in the enrolment of the plebeians, with a rigour very improper in the present disposition of the people's minds. They admitted no manner of excuse, and condemned to heavy fines all those that did not appear immediately upon their being called. Romilius even caused several to be taken into custody, for trying upon different pretences to get off from going to the war that campaign. The tribunes did not fail to take their parts, and they endeavoured to rescue those prisoners out of the hands of the lictors. The consuls advanced to support the execution of their orders : the tribunes enraged at their resistance, and backed by the angry populace, were so presumptuous as to offer to seize the consuls themselves, and to command the *ædiles* to lead them to the public prisons. This attempt upon the sovereign magistrates of the republic increases the tumult ; the patricians, provoked at the audaciousness and insolence of the tribunes, fly among the crowd, strike all without distinction that oppose them, disperse the assembly, and oblige the tribunes to fly like the rest, after having been soundly beaten. These latter confounded and enraged at the ill success of their undertaking, convened the assembly for the next day, and took care to bring to it most of the plebeians out of the country. The assembly was very numerous ; the tribunes, seeing themselves the strongest, caused the two consuls

fuls to be summoned like the meanest private men ; and the apparitor cited them to come and answer before the assembly of the people for what had happened the day before ; the consuls rejected the citation with scorn. Then the tribunes, who flattered themselves the senate would oblige them, as they had done Coriolanus and Ceso, to acknowledge the authority of the assembly of the people, and submit to their judgment, repaired to the palace. Being introduced into the senate, they demanded justice for the violence which they pretended to have been done them by the consuls. They added, that in their persons the sacred laws of the tribuneship had been violated ; that they hoped the senate would never suffer so great a crime to escape without punishment : and that they expected that either the consuls should clear themselves by oath, from having had any hand in the last tumult ; or if a just remorse of conscience hindered them from taking such an oath, that they should be condemned by a *senatus consultum* to appear before the assembly of the people and undergo their judgment. Romilius answered them, and reproached them in a very high strain, that they themselves, by opposing the levy of soldiers, were the only beginners of this tumult ; that they had carried their audaciousness so far, as to go about to seize upon the consuls, the sovereign magistrates of the republic ; that even now they had the insolence to threaten them in full senate, to make them submit to the judgment of the people, when they had not power to bring the very meanest of the patricians before them without a *senatus consultum* on purpose. And he declared to them, that if they were so daring as to offer to proceed a step further in so unreasonable an enterprize, he would immediately put the whole body of patricians in arms, march into the forum at their head, fall upon every body that appeared against him, and that

that perhaps he might make them repent their having abused the senate's patience in so gross a manner, and their having given such a loose to their unbounded audaciousness.

These disputes held so long, that it grew night before the senate could come to any resolution in this affair; and most of the senators were glad that these mutual complaints and reproaches had wasted the time of the assembly, that they might not be obliged to decide the contest between the tribunes and consuls, and that they might avoid giving the former, by a refusal, the pretence they wanted to raise a new sedition.

Those tribunes plainly perceiving that the senate intended to draw the business into length, convened the assembly of the people next day, and made their report to them of what had passed in the senate. They declared, that no justice was to be expected from a body in which their enemies governed, and that they would throw up the tribuneship, if the people did not come to some vigorous resolution, which was so necessary for the preservation of their dignity.

The most mutinous among the plebeians were for retiring a second time upon the *Mons Sacer* in arms, and from thence to begin the war against the patricians. Others, more moderate in appearance, but indeed restrained only by the fear of a civil war, proposed that without taking up arms or soliciting a *senatus consultum* any longer, the people by their own proper authority should try the consuls and condemn them to a large fine. Lastly, such as had not entirely lost the respect that was due to the first magistrates in the republic, represented that it was a thing unheard of, for an assembly of the people to pretend to try two consuls in the very year of their consulate, and especially without the participation of the senate. That such a step seemed to them very bold; that they did not doubt it would

would stir up fresh tumults, which at length might produce a civil war. That the success of that was uncertain; that it was even to be feared if the patricians got the better they would utterly destroy the peoples authority, to be revenged of those who had gone about to carry it too far. That therefore they were for deferring all further proceeding against the consuls, till they were out of their office; and that in the mean while they might prosecute such private persons as had shewn most zeal for their interests.

Of these three different opinions, the tribunes stuck to the second, which they thought the safest and most ready way to satisfie their resentment, and they appointed the assembly wherein the people at their suit should condemn the consuls in a fine. But the tribunes perceiving after the peoples first heat was over, that they shewed less eagerness to carry a point which they thought concerned only those magistrates, they resolved, in order to make the more sure of their revenge, to defer it, and even to cloath it with the old pretence of the people's good, without making the least mention of their difference with the consuls. Thus the day set for the assembly being come, Icilius, who spoke for the rest of his colleagues, declared that the college of tribunes, at the intreaty and for the sakes of the best men in the senate, dropt their suit against the consuls; but that though they gave up their own interests, they were not capable of neglecting those of the people. That therefore they demanded, that a body of laws should be drawn up and made public; that the business of the partition of the lands should next be proceeded to; that it was high time to pass so equitable a law, which had been long proposed but always kept off by the artifices of the patricians. At the same time he exhorted such plebeians as were personally interested in this affair, to speak their minds freely to the assembly.

Upon

Upon this a plebeian named L. Siccius or Sicinius Dentatus ascended the rostrum. He was an old man of a handsome aspect, though near threescore years of age; and with a soldier's eloquence he spoke gloriously of his own valour, and of all the actions in which he had signalized himself. He first represented, that it was full forty years that he had bore arms; that he had been in a hundred and twenty engagements; that he had received five and forty wounds, and all before, that in one single battle he had been wounded in twelve several places; that he had obtained fourteen civic crowns, for having saved the lives of so many citizens in battle; that he had received three mural crowns, for having first mounted the breach in towns taken by storm; that his generals had given him eight other crowns, for having rescued the standards of the legions out of the hands of the enemies; that he had to shew in his house fourscore collars of gold, above threescore bracelets, gilded javelins, gorgeous armours, and furnitures of horses, as the testimonies and rewards of the victories he had gained in single combats in the view of the two armies. That nevertheless no manner of regard had ever been had to all those honourable marks of his services, and that neither he, nor numbers of other brave soldiers, who with the loss of their blood had won for the republic the better part of her territory, possessed the least portion of it: That their conquests were fallen a prey to some few patricians, whose only merit was the nobility of their descent and the recommendation of their names. That not one of them could justify his possession of those lands by any lawful title; unless they looked upon the domain of the state to be their patrimony, and the plebeians to be vile slaves, unworthy of having any share in the fortune of the commonwealth. But that it was time for that generous people to do themselves justice, and that they ought to shew immediately,

mediately, by passing the law for the partition of the lands without delay *, that they had no less resolution to stand by the proposals of their tribunes, than they had shewn courage in the field against the enemies of the state.

Icilius gave great commendations to the pronouner of this discourse. But as he affected to appear a strict observer of the laws, he told him, they could not with justice refuse to hear what the patricians could alledge against the law, and so adjourned the assembly to the day following.

The two consuls during great part of the night held private conferences with the chief men of the senate, to consider what measures were most proper to be taken to frustrate the designs of the tribunes. After various counsels, it was resolved to employ first the most insinuating manners, and the whole art of eloquence to win upon the people and dissuade them from the publication of the law: But that if, by the instigation of their tribunes, they continued obstinately resolute to give their voices for it, they should oppose it with a high hand, and even make use of extremities. Word was sent to all the patricians to be at the forum very early with their friends and clients; that part of them should surround the rostrum to prevent the tribunes from being the strongest about it, and that the rest of the nobility should disperse themselves among the assembly in small parties, to oppose the distribution of the tablets.

The patricians did not fail to be in the forum very early, and took possession of all the posts agreed upon. The consuls being come, the tribunes caused proclamation to be made by a herald, that if any citizen had any solid reasons to offer against the publication of the law, he might ascend the rostrum and lay them before the people. Divers se-

* Varro de lingua. D. H. I. 10.

nators presented themselves one after another ; but the moment they began to speak, an insolent pack of scoundrel people, suborned by the tribunes, set up such confused clamours, that it was impossible to hear what they said. The consuls, full of indignation at this insolence, protested warmly against all that should be done in so tumultuous an assembly. Then the tribunes, throwing aside the mask, told them confidently, that their protest should not hinder the promulgation of the law ; that the people had already been too long amused with vain speeches, whose affected prolixity was only intended to stave off the decision of this affair, and that therefore the voices of the assembly must now bring it to some issue : And thereupon Icilius commanded the urns to be opened, and the tablets to be delivered out to the people. The officers making ready to execute his orders, several young patricians of the best families in the republic, taking this command as the signal which they had privately agreed upon, took away the urns, and scattered about the billets. Others, at the head of their friends and clients, throw themselves into the crowd, push, strike and disperse the people, and at length remain masters of the forum. The tribunes exasperated to the highest pitch to see their measures thus disconcerted, retired last of all ; but they convened the assembly again for the next day, and after having complained that the majesty of the Roman people should be thus openly violated, they demanded permission to inquire after the authors of this tumult, which was immediately granted them.

They did not want for witnesses, who deposed unanimously, that the disorder was raised by most of the young patricians. But as their great number served them in a manner for an asylum, and it was impossible to include in the indictment all the patricians in the republic, the tribunes, who only wanted to sacrifice such victims to their resentment as

might intimidate the senate, turned the whole accusation upon those who were of the Posthumian, Sempronian and Clelian families *. They were cited to appear before the next assembly of the people. But though these young patricians valued themselves upon having hindered the law from being passed, the senate did not care to let them appear, nor that any body should undertake their defence. The wisest senators flattered themselves, that by giving them up to the people, this moderation would diminish their resentment, or that having given a vent to their fury by condemning of them, this revenge would put the prosecution of the law out of their heads. Mean while the day of the assembly being come, the more violent spirits among the people were for enquiring into this affair with the utmost severity; but the more prudent sort, who looked upon this silence of the patricians as a tacit acknowledgement of the fault of the persons accused, being satisfied that they were left to the people's judgment, were only for condemning them to a fine, which was agreed to by plurality of voices. The senate did not oppose it; they even suffered the effects of the criminals to be sold publicly to pay it, and the produce was consecrated to Ceres. But the senate caused those effects to be bought again by private hands with their money. They were some time afterwards restored to the former proprietors; and the senate was not displeased at having stopt the publication of the law, only with the expence of a little money. But the tribunes were not so easily blinded. They soon fell again upon a division of the lands. It was the common subject of their harangues.

While the people spent whole days in the forum listening to those declaimers, there arrived expresses from Tusculum, with advice, that the *Æqui*

* D. H. l. 10. Livy Dec. 1. l. 3.

were fallen upon the territory of that city, which was allied to the Roman people: that they laid waste the whole country with fire and sword; that it was even to be feared they would carry that town, if they laid siege to it: and the inhabitants begged for succour with the greatest earnestness. The senate immediately decreed, that the consuls should take the field with the forces of the republic. The tribunes failed not to oppose it, according to their old custom, and would fain have had their consent bought by the publication of the law. But the people, more generous than their magistrates, remembering the assistance they had received from Tusculum against Herdonius's invasion, heartily offered to take arms. An army was raised out of hand; the two consuls put themselves at the head of it. Siccius Dentatus, the plebeian that had spoke so zealously in favour of the Agrarian law, appeared under their standard with eight hundred veterans like himself, who had all compleated the time of service prescribed by law, but yet would go once more to the war under the particular command of Siccius, whom they loudly named the Roman Achilles.

Their army advanced to Algidum, sixteen miles from Rome, and met the enemy not far from the city of Antium. They were intrenched upon the top of a hill. The Romans incamped upon an emince over against them; they fortified themselves carefully, and the generals kept the soldiers within the camp, to conceal their force from the enemy. The *Aequi* took these precautions for a sign of fear in the consuls. They often descended into the plain, and came sometimes to the very edge of the intrenchments of the camp, whence they upbraided the Romans with the faint-heartedness of their generals. The two consuls, to confirm the enemy in this false confidence, still kept the gates of the camp shut. But one day when Romilius

com-

commanded in chief, and had the sole power of giving orders; that consul perceiving that the whole army of the *Æqui* was gone out of their camp, and that most of the soldiers scattering up and down the country were foraging in security quite to the very foot of his intrenchments, he resolved to charge them in the plain, and at the same time to fall upon the camp they had upon the hill, that they might not know on which side the true attack was. For this purpose he sent for Siccius Dentatus, who commanded the body of veterans mentioned above; and either out of esteem for his valour, or with design to expose that plebeian in a very dangerous action, he gave him the charge of attacking the enemy's camp *. " My colleague and I, said he " to him, intend to march against the enemy. " While we draw all their forces to this side, do " you throw yourself with the body under your " command into the narrow by-way in the moun- " tain which leads to their camp. Push on quite " to their intrenchments, and try to make your- " self master of them. By attacking them in dif- " ferent places at the same time, we shall make a " beneficial diversion, and by dividing our enemy's " forces, weaken their defence." Siccius told him he was ready to obey his orders implicitly : " But give me leave, says he, to represent to you " that the execution of them seems impossible, and " extremely dangerous at the same time. Do you " believe, continued that old officer, that the e- " nemy when they left their camp and came down " from the hill, did not secure the only passage " that can facilitate their retreat with a good body " of infantry? Can I force such a post with the " veterans only, without being supported by great- " er forces? Such an enterprize is only likely to " cut us all off. Is it possible eight hundred men

* D. H. l. 10.

" should withstand the enemy's whole army,
" which will fall upon our rear at the same time
" that we have those who guard the way through
" the mountain in our front ? "

The consul irritated at Siccius's remonstrance, replied abruptly, that without pretending to act the general, his business was only to obey his orders : or, if he thought there was too much danger in it, he would employ some other officer, who, without setting up for a director, would bring the undertaking to a glorious issue. " And you, migh-
" ty captain, added the consul with a jeering scorn,
" you that have followed the wars forty years,
" that have been in sixscore battles, and whose
" whole body is covered over with wounds, return
" to Rome without having dared to face the ene-
" my, and carry back to the forum that eloquent
" tongue which is more formidable to your fellow-
" citizens, than your sword is to the *Aequi* and
" and the enemies of your country."

The officer, enraged at the general's reproaches, told him boldly, that he found he was resolved either to destroy an old soldier or shame him ; but that one was much easier to do than t'other ; that he would march up to the enemy's camp, and win it, or fall in the attempt with all his comrades. Those veterans then took their leaves of the rest of the soldiers, who looked after them as upon men sent to the slaughter : happily for them they were under the conduct of an old officer that understood his trade. Siccius went round about a tedious way, and after a long march descried afar off, and upon the neighbouring mountains, a great wood that seemed to stretch quite to the enemy's camp. He was immediately resolved to gain it : " Cheer up, my lads, cried he, making his way up
" to it, either I am much mistaken, or I perceive
" a path that will lead us much more safely to the
" enemy's

"enemy's camp, than that which our general directed me." It was not without difficulty that those old soldiers, cumbered with their arms, got to the top of that hill. But they were no sooner there, but they found that they were upon a height which commanded the enemy's camp, and they, drew near to it under the concealment of the wood, without being perceived by the centinels and advanced guards.

During this march the two armies of the Romans and the *Æqui* were come to an engagement. They fought a great while with equal valour, and victory had yet declared for neither side. Most of the soldiers that the *Æqui* had left for the guard of their camp, not apprehending any danger from behind, were got to the top of the hill to see the battle. While they were scattered about for the more easy enjoyment of so great a sight, Siccius, who had viewed them carefully, took advantage of this their negligence. He falls upon the camp, surprizes the guard, cuts in pieces all that withstand him, takes the rest prisoners; and having posted some soldiers to guard the camp, he next throws himself upon those that were looking upon the fight at their ease, and soon masters them. Some who being at a distance had time to fly, ran immediately and got possession of the hollow road that led into the plain, and where the *Æqui* had left some cohorts to secure their retreat, as Siccius foresaw they would. The Roman officer, who pursued them briskly, is there almost as soon as they, pushes them hard, and drives them in confusion among that body of troops. All take to flight; the soldier terrified does not perceive what a small number he has to deal with; fear makes them seem double in his eyes; he runs for safety into the main body of the army, and carries fear and confusion hither along with him: Siccius follows close, and adds to it. The *Æqui* seeing themselves

selves attacked in their rear, give ground. After this it was not so much a battle as a general rout. Some try to regain the hill; others disperse different ways over the plain, and where-ever they turn themselves they meet the enemy and death. Most of them were cut to pieces; and none were saved but such as the Romans thought fit to make prisoners, or that escaped by favour of the night which came on during the engagement.

While the consuls were finishing their victory and pursuing those that fled, Siccius, full of resentment against the generals, forms a design to deprive them of the fruits and honours of the victory. He ascends the enemy's camp once more with none but his own troop; cuts the throats of the prisoners; kills the horses; sets fire to the tents, the arms, and all the baggage, and leaves none of those marks of victory which were required from a general when he demanded the triumph. He then marches away with extreme diligence, arrives at Rome with his cohort, and gives an account to the tribunes of what had passed. The people seeing those old men alone, and yet covered with the blood of the enemies, flock about them, and enquire news of the army. Siccius tells them of the victory they had gained over the *Æqui*, and at the same time complains of the inhumanity of the consuls, who, he said, without necessity, and only to satisfy their hatred to the plebeians, had exposed eight hundred veterans to a death, in all likelihood, unavoidable. He then related by what good fortune they had escaped the snares which the consuls had laid for them. " Nevertheless, added he, we took the enemy's camp, and cut to pieces those that guarded it. Then we made ourselves masters of the straits in the mountains; we drove the *Æqui* out of them, and by our valour paved the way for the victory of the consuls. The only recompence we desire " is,

" is, that the honours of triumph may not be allowed to generals, who have made use of their authority only to destroy their own fellow-citizens without a cause "

The people, who already were but very ill inclined to the patricians, promised they would never consent that the consuls should have a triumph. The soldiers of those generals, at their return, entered into this cabal, in revenge that the two consuls had deprived them of the booty, which they had sold for the benefit of the public treasury, under pretence that it was exhausted *. The consuls, to obtain the honour of the triumph, represented in vain, that they had won a compleat victory, cut the enemy's army to pieces, and taken seven thousand prisoners. The people, prejudiced against them with the belief that they had endeavoured to destroy the veterans, obstinately refused to let them return public thanks to the gods for their victory, or enter the city with the ornaments of the triumph. The senate, whether out of a principle of equity, or whether out of fear of some new commotion, did not think proper to make themselves parties in this affair; and the people, who looked upon this affront as a victory over the whole order of patricians, did in the next comitia bestow the quality of tribune upon Siccius.

The two consuls were no sooner out of their office, but they were cited before the assembly of the people in the consulate of their successors Sp. Tarpeius and A. Eternius. This was the general fate of those sovereign magistrates. The accusation ran upon the business of Siccius †: but their real crime was the constant opposition they had both made to the promulgation of the Agrarian law.

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* Liv. l. 5.

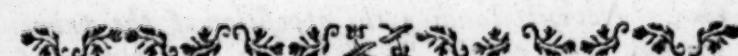
† Val. Max. l. 3. c. 2. Plin. l. 7. c. 28.

The people fined them both, Romilius in 10,000 asses, and Veturius in fifteen thousand. History does not inform us of the reason of the difference which the people made in their fines: it was perhaps because Veturius had the greatest hand in the ill treatment of Icilius's apparitor. What confirms this conjecture is, that at the same time a law was made, with the consent of all the orders of the state, that any magistrate should have power to lay a fine upon such as should be wanting of respect to his dignity: a prerogative reserved before to the consuls only. But to prevent the abuse and excess of this new authority *, it was provided by the same law, that the highest fine for such crimes should never for the future exceed the value of two oxen or thirty sheep; copper coins so called from their impression, and struck in the reign of Servius Tullius the sixth king of Rome.

* D. H. l. 10. sub fin.

End of the Fourth Book.

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THE
H I S T O R Y
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R E V O L U T I O N S
That happened in the Government
OF THE
R O M A N R E P U B L I C.

B O O K V.

Ambassadors are sent to Athens to collect the laws of Solon. Upon their return, he administration of the government is intrusted with ten commissioners or decemvirs chosen from among the patricians. Appius, head of the college of decemvirs, becomes suspected by his colleagues. To hinder him from being continued in the decemvirate, they declare him president of the assembly that was to make a second election. But he names himself for the first decemvir, and the people confirm his nomination. These new magistrates are for making themselves perpetual.

tual. Notwithstanding the opposition of the prime senators, they obtain for themselves the command of the armies against the Æqui and the Sabines. The Romans decline conquest, for fear of augmenting their power. The severity of their government, their pride, injustice, but above all the passion of Appius for Virginia, cause their ruin. Virginius, father of that unfortunate maid, being reduced to the sad necessity of stabbing her with his own hands, to secure her from the brutality of that decemvir, the soldiers mutiny and return to Rome, where they obtain the suppression of the decemvirate and the punishment of the decemvirs. Consuls and tribunes are once more revived, and the people restored to all their privileges.

WE have seen in the preceding sheets, Rome, jealous of her liberty, shake off her kings; monarchic government turned into republican under two consuls; the nobility and populace of that infant republic, through the same love of liberty, disunited and ready to part; the tribuneship, which had been set up purely as a pledge of their re-union, become the foundation of new dissensions: and those plebeian magistrates, perpetual makebates, pursuing and hunting down the brightest and most deserving senators, and especially eager after the ruin of the consuls as soon as ever their time was expired; insomuch that a consular was to look upon himself as a sacrifice of the people, and the object of the tribunes fury. Such was the state of Rome, where it was then criminal in the supreme magistrates to govern according to the ancient laws. Yet the misfortune that befel Romilius and Veturius beforementioned, frightened not their successors: Sp. Tarpeius and A. Haterius expressed never a whit the less courage. Those gallant consuls declared undauntedly to the people, that they might

fine

fine them as much as they pleased, or inflict yet more unjust punishments upon them, when their time was up; but that neither such vexations, nor even the loss of their lives, should ever oblige them to consent to the publication of the Agrarian law. So much resolution, together with the unanimity of the senate startled the tribunes. Both parties, equally tired with those continual bickerings, looked as if they were going to be reconciled. Not a word was heard about the partition of the lands, for some time. All heart-burnings seemed to be quite over, or at least suspended. But the populace, ever restless, only changed their view and object: they returned to the Terentillian law, and required of the senate, that instead of those arbitrary judgments given by the magistrates, a body of laws should at last be established and made public, as well for the guidance of those at the helm of affairs, as for the regulating the contests that daily arose between private persons.

The senators were not against this proposal: but when the legislators were to be named, they would admit of none to be chosen but their own members: the people, on the contrary, insisted, that as their interest was equally concerned in an affair of that importance, so they ought by their representatives to have a share in so honourable an employ. Accordingly they deputed the tribune Siccius and his colleagues to go to the senate and maintain their claim. The affair was debated with much heat, and the senators were divided in their opinions. But nothing was so surprizing as the conduct of Romilius, that consular whom the people had but a little before condemned in a heavy fine. Instead of opposing the people's pretensions, as was expected, he declared, that without going about to frame new laws, it was his opinion they need only dispatch away deputies to Athens, there to compile such of the laws

laws of Solon as were known to be most popular among the Greeks ; that those deputies should take care at the same time to make themselves acquainted with the form of government in the respective cities and states of that country, and when they were come back, commissioners should be appointed to make choice of such laws as should appear to be most suitable to the present constitution of the Roman republic : ‘ And may the Gods grant, added he, that those commissioners propose to us laws equally favourable to the liberty of the people, and the authority of the senate.’

This advice was equally well received by both parties. The senate, whose right of naming those ambassadors nobody disputed, was fully satisfied that those whom they should pitch upon to make this collection, would bring home nothing contrary to their interests. And the tribunes, seduced with the hopes of seeing the government of Rome reformed by the model of a commonwealth in which the whole authority lay in the assembly of the people, bestowed the highest praises on Romilius. Siccius himself, though his enemy, declared that in the name of the people he forgave him the fine which he had been condemned to pay. But Romilius generously rejected this favour from the hands of an enemy. He openly declared, that he desired no other recompence but power always to speak his opinion with the liberty that became a Roman senator : And that as to the fine which had been laid upon him, being a thing consecrated to Ceres, he should think it sacrilege not to pay it. The *senatus consultum* was then drawn and confirmed by the unanimous voice of the people ; and in pursuance thereof, the senate sent as ambassadors to Athens, Sp. Posthumius, A. Manlius, and P. Sulpitius Camerinus, with directions to gather the laws and customs of that city, and of the other republics of Greece. During the rest of that year,

the state was pretty quiet. But the next year, in the consulate of P. Curatius and Sex Quintilius, almost all Italy was afflicted with a plague. The first consul, four tribunes of the people, and great numbers of citizens of all conditions died of it.

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Rome in this general desolation became a desert, and some surprize was to be feared from the *Æqui*, the *Volsci* and the *Sabines*. But the contagion raged among them with the same fury; a calamity that was general served instead of strength and defence to the republic.

The next year began with happier auspices. The plague ceased in the consulate of P. Sestius Capitolinus and T. Menenius, and the ambassadors returned

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301.*

that had been sent to collect the laws of Greece. The tribunes of the people * presently made warm instances to the consuls for the election of the commissioners or decemvirs, that were to be employed in the great work of fixing a body of laws for the government of the commonwealth. Sestius was not against it in the least; but Menenius, who looked upon all changes in a state to be pernicious, and who perhaps had not forgot the injuries his father had received from the tribunes, put off the election as much as he could. He at first excused himself upon account of the necessity there was of chusing first the consuls for next year. He said, that this great affair being to be settled under their consulate, nothing ought to be done in it, till they were appointed, nay, and not without their participation; but this was only a pretence: he flattered himself that the election of the consuls would suspend that of the decemvirs, or at least, that the difference which might happen between

* Liv. I. 3. D. H. I. 10.

them would weaken the authority of those new magistrates. The impatience of the tribunes hastened on the comitia. Appius Claudius was chosen first consul. This was the third from father to son in the Claudian family that had been raised to that dignity. All the patricians gave him their voices, in hopes he would be no less zealous for the power of the senate than his ancestors. T. Genutius was named for his colleague. The tribunes, after this election was over, renewed their pursuit and solicitations to the consuls then in office, to oblige them to proceed to the nomination of the decemvirs. Menenius, who made nothing but dreadful predictions of the innovations to be brought in, confined himself to his house under pretence of sickness, and chose rather not to stir out of it, than be forced, if he went to the senate, to propose the business of the new laws. Sestius, on his part, though more favourable to the tribunes, did not think it would be decent for him to take upon him the direction of so great an affair, without the presence and agreement of his colleague. The tribunes, who were very jealous of all these delays, applied to Appius and his colleague, the consuls elect for the ensuing year. They found means to bring them into their interests, in all likelihood by giving them hopes of having the greatest share in the commission for the creating of the laws. After having made sure of those two senators, whose election for the ensuing consulate gave them a greater authority, they introduced them into an assembly of the people, which they had convened on purpose, to take measures against the studied evasion of the consuls then in post. Appius mounting the rostrum, spoke so artfully, that without declaring against the senate he won the hearts of the people. The chief heads of his discourse turned upon the justice

justice of establishing equitable laws among all the citizens, to the intent that Rome, so long split into two parties, and in a manner into two different cities, might for the future make but one commonwealth. He added, that he was convinced the nomination of the decemvirs ought not to be deferred any longer; that the proposal ought to be made to the senate forthwith; and that if his election to the consulate and that of his colleague were any manner of hindrance to the appointment and authority of the decemvirs, they were ready to forego it, and declared that they actually did so, and that they would gladly sacrifice even their lives to procure so great a benefit to their country, as peace and union among their fellow-citizens.

This discourse was looked upon by the greatest part of the assembly to be that of a true republican, that sincerely loved his country's liberty. The people especially, who expected nothing like this from a patrician of the Claudian family, heard him with no less pleasure than surprize. Some senators on the contrary, who knew the proud ambitious disposition of Appius, very much feared, that under this seeming moderation and disinterested outside, he concealed designs of a very different nature. But as this, after all, was mere suspicion, the patricians as well as the plebeians gave great praises to the abdication he so freely made of his title to the consulate. The next work was to bring the affair before the senate. Menenius, trusting to the engagements he had privately entered into with his colleague, still feigned to be sick, in order to avoid convening that body; but Sestius, won over probably by promise of being included in the number of decemvirs, broke his word with him. He assembled the senate, and proposed the nomination of the decemvirs. The opinions were divided, as usual; some senators, fond of the old customs, were averse to all changes in the govern-

ment of the state, and the administration of justice. But Appius, who had a strong party in the society, maintained on the contrary, that there was great justice in establishing with the people's consent laws that might be constant rules for the future to direct the judgment of the magistrates. And this at last was carried by plurality of voices. It was resolved to proceed forthwith to the nomination of the decemvirs; but this created a new difficulty. The tribunes of the people demanded in their name that five plebeians should be let into that commission. All the senators unanimously opposed this pretension. They represented, that as the decemvirs were to take the place and the authority of the consuls, it was a thing unheard of that common plebeians, who were by their very birth excluded from all curule magistracies, should be invested with the sovereign power. The tribunes found plainly that the senate would never give up this point. After many reasons offered on both sides, they at length desisted from their demand, for fear the nomination of the decemvirs should be dropped entirely; and so it was agreed that they should all be chosen out of the body of the senate; that those commissioners should for one whole year be invested with the sovereign power, without any appeal from their judgment and decrees; that during the said space of time there should be neither consuls nor tribunes; that the authority and functions of all the other magistrates should be suspended during their administration; that they should draw up a body of laws extracted from those of Greece, and from the ancient usages of Rome; and that after they had been communicated to the senate and people, and had received their confirmation, they should always for the future be strictly observed in the government of the state, and the administration of justice.

Some

Some time afterwards, a solemn assembly was held of the whole Roman people convened by centuries. This assembly was preceded by auspices and the other ceremonies of their religion; they went then upon the election of the decemvirs.

Appius Claudius and T. Genutius were appointed first; and it was thought they deserved this honourable preference for

Year of Rome, 302.

the generous abdication they had made of the consulship. The votes fell next upon L. Sestius, Veturius, C. Julius, A. Manlius, S. Sulpicius, P. Curatius, T. Romilius, and Sp Posthumius. all consular persons. The senate hoped they had made choice of the most zealous defenders of their prerogatives; but most of them, to attain his dignity, had entered into private engagements with the tribunes of the people. Thus each party looked upon this election as their own particular work, and concurred jointly in it, though with views widely different. Though Appius was the first, and in a manner the head of the college of decemvirs, yet he lived with his colleagues in a perfect equality and good understanding. He especially affected the most popular behaviour; he saluted the meanest plebeian that he met in his way; he took upon himself the care of their affairs and interests, and procured them speedy justice. Each decemvir presided in his turn one whole day. He had then the twelve lictors who walked before him with the fasces. They successively dispensed justice in the forum, which they did with so much equity, that the people, charmed with their conduct, seemed to have forgot their tribunes. Most of them prayed to the Gods for the continuance of a government so full of moderation; nay there were many plebeians who declared, that instead of restoring the consulship and tribunate, the best thing they could do would be to find ways to make the decemvirate perpetual. The decemvirs laboured

with great application that whole year upon the compilation of the laws, which they gathered partly from the ancient decrees of the kings of Rome, and partly from the laws of Greece, which one * Hermodorus of Ephesus, who happened to be then at Rome, interpreted to them. When their work was compleated, they propos'd it in ten tables, of which only a few fragments are come down to us. Some † relate to the concerns of religion, others to the public right, and the greater part to private persons. These tables were affixed up in public, that every man might read them, make his reflections upon them, and communicate them to the decemvirs, before they received the force of laws. They were then carried before the senate, where they were examined and agreed to by plurality of voices; and it was decreed by a *senatus consultum* that the *comitia* of centuries should immediately be called to have them ratified by the whole Roman people.

The day of the assembly being come, the auspices were solemnly taken, and the laws read over again in presence of the ministers of religion. The decemvirs represented to the people with great modesty, that they did not know they had omitted any thing which seemed necessary for the preservation of liberty and the establishment of that equality which was so necessary in a republic. That however they would have their fellow-citizens examine their performance carefully, and declare freely what they conceived ought to be retrenched or added; to the intent that for the future the people might live under laws which they themselves might be said to have made rather than approved. A discourse so candid had no other answer but the highest praises. The laws contained in the ten tables were received with the consent of all the cen-

* P.I.N. I. 34, c. 5.

† Cicer, de leg. I. 2. & 3.
turies.

turies. There were only some few particular persons who were of opinion that several regulations were wanting which might make two other tables, and that if they were added to the former ten, they should then have a compleat body of the whole Roman law. This defect created a desire to make another election of decemvirs for one year more. The senate and the people equally approved of this design, though for different ends. The people only wanted to keep back the restoration of the consular authority, which they were jealous of ; and the senate on their parts were glad to be freed of the tribunes, who were so odious to them.

The assembly being agreed, the day was appointed for proceeding to a new election of decemvirs. During the interval before the comitia, the senate fell into divisions about that dignity. Some aspired to it out of ambition : others, who at first had been the greatest sticklers against its establishment, courted it then, but only in order to exclude those whose conduct and designs they suspected. Appius pretended not to desire it at all ; and to induce his colleagues to renounce it, he declared publicly, that having fully performed the duty of good citizens by the assiduous labour of a whole year, it was now just to grant them some repose, by appointing others to succeed them.

But his public and avowed engagements with the Duillii and Icili, that is to say, with the heads of the people, and the favourers of the former tribunes of that name ; the pains he took to make himself agreeable to the plebeians ; his affability and moderation, so contrary to the pride of which the Claudian family was accused ; all this gave great uneasiness to his rivals, and rendered him suspicious to his colleagues. These latter, to make sure of his exclusion, appointed him to preside at the new election. And as it was the custom for him

him that presided in the assembly to name those who courted the post that was to be filled, they imagined that after the declaration he had made of his renouncing that dignity, he could not have the face to name himself : besides that it was a thing unheard of, that the president should propose himself, except some tribunes of the people, who upon the like occasions had not been ashamed to abuse the confidence of their fellow-citizens. Appius had no more modesty than those ambitious plebeians.

Year of Rome contrary to all rules of decency, he named himself for first decemvir ; and the
303. people, ever the tools of those who know

how to blind them with an appearance of acting for their good, confirmed so extraordinary a nomination. That decemvir had the cunning then to get the majority of votes for Quintus Fabius Vibulanus, a consular person indeed, and of manners too till then unblameable, but of a slow inactive temper, naturally averse to business, without resolution, and incapable of withstanding him in the execution of the designs which he was meditating. It was upon the same motive, that he next got the election to fall upon M. Cornelius, M. Servilius, L. Minucius, T. Antonius, and M. Rabuleius, senators very little esteemed in their own body, but devoted to his service ; and by his private intrigues they carried that dignity from the Quintians, and even from his own uncle, Claudius, a zealous patrician, whom he excluded, as well as his colleagues in the first decemvirate. Lastly, what surprised and alarmed the senate, was, that Appius, forgetting his own glory and that of his ancestors, was not ashamed, out of complaisance to the late tribunes, to whom he had sold his faith, to propose three plebeians for decemvirs, pretending it was but just, that there should be some in that college to take care of the interests of

the

the people. Thus he brought in Q. Petilius, C. Duellius, and Sp. Oppius, all three plebeians, excluded by their birth from those prime magistracies, and who attained them only for having borne Appius through all the voices of the people, whom they led as they pleased, and whom they had persuaded to be for him, according to the private agreement between them.

Appius at length seeing himself by means of his dissimulation and cabals arrived at the head of the decemvirate, thought now of nothing but how to make his dominion perpetual; he immediately assembled his new colleagues, who were all obliged to him for their dignity. Then throwing off the mask of a republican, he represented to them, that nothing was more easy than to retain the sovereign power for their whole lives; that they were intrusted with a commission wherein the consular authority and the tribunitian power were both united; that the senate and people, always at variance, rather than see the restoration of those two magistracies, which were equally odious to them, would chuse to leave the government as a pledge in their hands; that the private people would by degrees grow accustomed to their authority, and that to preserve it they must bring into their tribunal the cognizance of all manner of affairs, without suffering them to be carried either before the senate or the assembly of the people. That above all, they should carefully avoid convening either of those two bodies, which might make them sensible either of their rights or strength. That there would always be found in such assemblies unquiet spirits impatient of all dominion, and that to render the authority of the decemvirate stable, it behoved the decemvirs to continue firmly united among themselves. That they ought to have a mutual complaisance for each other; that

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that the whole college ought to interest themselves warmly for the particular affairs of each decemvir; and he added, that he thought they should all bind themselves by the most solemn oaths, never to interrupt one another in the execution of their particular designs. As this proposal of Appius agreeably flattered the ambition of his colleagues, they readily came into his scheme. Every one applauded his thought; all took the oaths that he required *, and unanimously agreed to omit nothing that might serve to their keeping, as long as they lived, the empire and command which had been intrusted to them but for one single year: a new conspiracy against the public liberty.

These new magistrates entered into possession of their dignity on the ides of May †; and to strike terror and respect into the people, they appeared in public each with twelve lictors, bearing axes among their fasces, like those that used to go before the ancient kings of Rome, or the dictator; so that the forum was filled with a hundred and twenty lictors, who dispersed the multitude with a pride and state insupportable in a city where modesty and equality always reigned before. The people could not see this train of tyranny without indignation. The comparison they made between the moderation of the consuls, and the pompous and haughty behaviour of the decemvirs, soon led them to regret their old government. They complained in private, that now ten kings were set up over them instead of two consuls. But these reflections came too late, and it was no longer in their power to undo their own work. The decemvirs began to reign imperiously and with a despotic authority. Besides their lictors, they were always surrounded by a band of fellows with-

* D. H. I. 10. sub fin.

† Id. ibid. 15th of May.

out house or home, most of them blackened with crimes, or loaded with debts, and that could find no safety but in the troubles of the state. But what was still more deplorable, there followed in the train of those new magistrates a crowd of young patricians, who preferring licentiousness to liberty, made their court to the dispensers of favours in the most abject manner: Nay, and to gratify their passions, and provide for their pleasures did not blush to be the ministers and accomplices to those of the decemvirs. There was now no asylum that could be called safe for beauty and virtue. Those unbridled youth, under shelter of the sovereign power, tore the daughter out of the bosom of her mother with impunity; others, upon frivolous pretensions, took possessions of the estates of their neighbours that lay convenient for them. In vain complaint was made to the decemvirs; the unhappy people were driven away with contempt, and favour and self-interest sat in the place of law and justice. If any citizen, warmed with a remaining spark of the ancient liberty, was so bold as to express his resentment, those tyrants ordered him to be beaten with rods like a slave; others were banished; some were even put to death; and confiscation always followed the punishment of the poor wretches.

The people groaning under so tyrannical a dominion, turned their eyes to the senate, from whence they hoped for liberty. But most of the senators, dreading the fury of the decemvirs, were retired into the country. Those that staid in the city were not displeased to find that the severity of the present government made them wish for the removal of the consuls; and they flattered themselves the people would gladly give up their tribunes, if they could but be delivered from the dominion of the decemvirs.

C. Clau-

C. Claudius, a consular person and Appius's uncle, deeply concerned to see his nephew make himself the tyrant of his country, went several times to get to the speech of him, to put him in mind how much he disgraced the memory of his ancestors by so odious a conduct. But the head of the decemvirs, who could not bear the thoughts of his remonstrances, eluded his visits with different pretences. C. Claudius could never penetrate so far as his apartment, and that old magistrate found by experience, that tyrants never own either relations or friends.

In the mean time those new magistrates added two tables of laws to the ten that had been promulgated the year before; but they settled nothing in them about the partition of the conquered lands. It was particularly observed also, that in the two last tables there was an article prohibiting alliances between the patricians and plebeians by inter-marriage, and that they made an express law of an old custom. It was suspected that the decemvirs established this new law, and at the same time neglected to make any regulation in the business of the partition of lands, only to perpetuate the division between the two orders of the republic. They were apprehensive that if the nobility and people should ever unite, they would turn against them that ancient animosity which it was so much their interest to keep alive. However, as the authority of these decemvirs was to hold but for one year, it was hoped their tyranny would expire with that term. But the ides of May came, and not the least appearance of any comitia or of an assembly for an election. The tyrants then shewed themselves barefaced, and in spite both of senate and people retained the government, without any other title but force and violence. All that gave them the least umbrage were proscribed. Many citizens voluntarily banished themselves from their coun-

try ; some took refuge even among the Latins and Hernici; and Rome, now almost a desert, was left a prey to those tyrants.

Every body secretly deplored the loss of liberty, but none was so generous as to attempt to break their chains. The Roman people seemed to have lost that courage which before got them so much fear and respect among their neighbours. The Latins and those that had submitted to the dominion of the Romans, despised the orders that were sent them, as if they could not bear to see the empire remain in a city which had lost its own liberty ; and the *Æqui* and Sabines made incursions quite up to the very gates of Rome with impunity.

Those eternal enemies of the republic taking advantage of the consternation the Roman people was in raised two armies. The Sabines advanced along the Tyber to within forty stadia of Rome ; and the *Æqui*, after having plundered the territory of Tusculum, came and encamped near Algidum. Those two armies seemed to threaten Rome with a siege. This news very much surprized the decemvirs ; they were obliged to arm on their parts, but there was no doing this without the joint consent of the senate and people, and they could not but know how odious they were to both. They held several councils among themselves, full of trouble and confusion. The question was, Whether they should apply to the people, or the senate ; and what perplexed the decemvirs most was, their fear that the year of their magistracy being expired, the very right of convocation would be disputed with them, as being now but mere private men. At length, after several deliberations, as the decemvirs were most of them of the body of the senate, and had friends in it, they determined to call that, and agreed upon the part that each of them should act in the assembly. Their creatures undertook to answer the complaints of those that should demand

the abolition of the decemvirate. They chose this way, in hopes they should obtain a levy of troops by their edit; and they thought the people, as much as they seemed enraged, could not resist it, having, with their tribunes, lost the privilege of opposition.

Year of Rome 304. A herald, by the decemvirs order, immediately convened the senate. They then went to it themselves, but they found none there but their own adherents. The other senators had thrown up the care of the public affairs, and were retired, as we said before, to their country-houses. The decemvirs sent messengers thither to them, appointing another assembly for next day. Most of them returned to Rome, and came to the senate; but with views widely different from those of the decemvirs. Appius in a studied discourse laid open the necessity of taking arms, to repel the incursions of the *Æqui* and the *Sabines*.

L. Valerius Potitus *, without waiting till it came to his turn to give his opinion, presently stood up. He was the son of that Valerius who was slain at the head of the Romans fighting against Herdonius, and grandson of the famous Valerius, surnamed Publicola, one of the chief founders of the public liberty. Appius fearing that a man of his birth and character, if he spoke first, would propose something contrary to the interest of the decemvirs, sternly commanded him to sit down and hold his peace, and wait till senators older than himself, and more considerable in the republic, had declared their opinions first. "I would have done so," replied Valerius calmly, "I had nothing to speak upon but the business you proposed. But the liberty of the republic is to be looked to first. Shall it ever be said that a

* D. H. l. 17.

" mere

" mere private man, whose magistracy is expired,
 " imposed silence upon Valerius? Must your ty-
 " ranny reduce a senator to regrete that assistance
 " which the meanest of the people used to receive
 " from the opposition of their tribunes? But since
 " you and your colleagues have usurped their
 " power, I appeal to thole very colleagues, not so
 " so much with hopes of being relieved, as to lay
 " open to the eyes of the world the conspiracy
 " you have formed against the public liberty.
 " And you especially, Fabius Vibulanus, you that
 " have been honoured with three consulates, will
 " you give occasion for men to say that out of
 " complaisance to tyrants you betrayed the in-
 " terests of your country?"

Fabius, doubtful and confounded, knew not what to answer. But Appius, transported with rage, cried out to him once more to hold his peace; and the other decemvirs threatened to have him thrown down from the Tarpeian rock as an incendiary and disturber of the public quiet. A way of proceeding so violent and so extraordinary in a body where all were indeed upon a perfect equality, filled the whole assembly with indignation. M. Horatius Barbatus seemed most provoked at it. He was grandson of that Horatius Cocles, who in defence of his country's liberty sustained alone upon a bridge the shock of Personna's whole army. The same republican spirit that had been so great an honour to the fathers, descended to their children. The Horatius we now speak of, not able any longer to bear the pride and insolence of the decemvirs, stood up, and publicly called them the Tarquins and tyrants of their country.

" You tell us, says he, of the war of the Sabinæ, as if the Roman people had any enemies greater than yourselves. I would gladly know by what authority you convened this assembly, and by what authority you pretend to preside

“ in it. Is not the time of your magistracy expired? Do you not know that the power of the decemvirate was given you but for one year? We chose you to establish such laws as were fit for a free state to submit to, and you have left no footprint of that equality which was the sole desire of the Romans. You have suppressed the assemblies of the people, and the convocations of the senate. There is now no talk of elections neither of consuls, nor of tribunes. All the annual magistracies are abolished: You have totally subverted the ancient order of government, to build upon its ruins your own particular empire and dominion. But know, that the blood of Valerius and Horatius, who formerly drove the Terquins out of Rome, yet runs in the veins of their descendants. We have the same courage and the same zeal for the liberty of our country. The gods, protectors of this city, will grant us the same success; and I hope the people, no less jealous of their freedom than their ancestors, will never desert us in so just a cause.”

A discourse so resolute quite stunned the decemvirs. They knew not whether they should shew their anger or affect moderation. Appius, to soften the minds of the senate, represented that they were so far from being tyrants, that they had called this assembly only to take its advice upon the present state of affairs. That if he had imposed silence upon Valerius, it was only to oblige him to conform to the ordinary method, which was, that every man should speak according to his rank, unless he was particularly applied to by him that presided in the senate. Then turning to his uncle C. Claudius, he bid him speak his mind with all the freedom that the assembly could wish for. He flattered himself, that the interest of his family, the ties of blood, and in some measure the honour he did him

him in asking his opinion first, would induce him to confute what seemed too harsh against him in Horatius's speech. But he directed himself to a true Roman, and one that would have sacrificed his own children to the preservation of the public liberty. He had even been very often, as we said before, at his nephew's house to endeavour to make him sensible of the unlawfulness of his government; but the servants, by their master's direction, had always kept him from his presence with various excuses, and he had no opportunity; but in so public an assembly, to tell him his thoughts sincerely.

That senator observed first to the assembly, that two affairs of different natures were then to be considered of; a war which was to be carried on abroad, and remedying the dissensions which raged at home with relation to the government. That what was termed a war, was nothing but some transient incursions of a few parties of the enemy, who ventured to come near the frontiers of the state, only upon the encouragement of the intestine divisions that split the republic. That therefore they should first settle peace and union in the city, and that then only displaying the standards of the legions would be enough to frighten away the *Æqui*, and the Sabines, over whom the Romans had already so often triumphed. But that he doubted whether the people would range themselves under the ensigns of the decemvirs, whom they justly looked upon as private men, who had usurped the sovereign power, and without either the agreement of the senate or consent of the people, had by their own private authority continued themselves in the government of the state. Then directing his speech to Appius: "Can " you be now to learn, said he to him, how very " odious so unjust an enterprize is to all good " men? And if you doubt it, the voluntary exile

" to which our most illustrious senators have con-
" demned themselves, does it not sufficiently shew
" that they look upon you to be no better than a
" tyrant? the senate very impatiently bears that you
" should rob them of their authority, the people
" demand their right of appeal or opposition,
" which you have suppressed; all our citizens call
" upon you, some for their estates, which have
" been made a prey to your ruffians, others for
" their daughters which you have forced away to
" satisfy your guilty passions. The whole city,
" the whole nation detest a magistracy, which has
" destroyed their liberty, abolished the use of co-
" mitia, usurped the legal authority of the consuls,
" and put down the power of the tribunes. Restore
" to the commonwealth, the power with which
" she intrusted you, but for one year; restore
" to us our ancient form of government; restore
" yourselves to your own innocence. Call to
" mind your former virtue, and generously quit
" together with an unwarrantable power the name
" of a decemvir, which you have made so odious.
" I conjure you to this by our common ancestors,
" by the manes of your father, that illustrious ci-
" tizen, who left you so noble an example of mo-
" deration, and of zeal for the public liberty. I
" conjure you above all, by your own preserva-
" tion, and the care of your life, which you must
" unavoidably lose by some ignominious punish-
" ment if you obstinately persist to hold any long-
" er the unjust power which you have usurped o-
" ver your fellow citizens."

Appius, covered with shame at such just re-
proaches, had not power to answer. His silence
was looked upon as a tacit confession of his in-
justice, and even as an approaching disposition to
abdicate the decemvirate. But M. Cornelius one
of his colleagues taking upon him to speak, and
applying himself directly to Claudio,

told him proudly

proudly that those who had the government of the republic did not stand in need of his advice to direct their conduct. That if he thought he had a right to give particular counsels to his nephew, he might go to him at his house; that in the senate nothing was to be debated but the affairs of the public; and that they were now met upon the necessity of taking up arms against the *Æqui* and *Sabines*, who were advancing towards Rome, and that he might speak his opinion as to this point, without running wide of the purpose in hand by unnecessary digressions. Claudio^s, yet more provoked at the scornful silence of Appius, than at his colleague's insolent answer, turning to the senate: " Since my nephew, says he, will not condescend " to speak to me, neither in his own house, nor in " full senate, and I am so unhappy as to see the " tyrant of my country arise out of my own family, I declare, conscript fathers, that I am resolved to retire to Regillus. I banish myself from Rome, and make an oath never to enter it again but with our liberty. However, to fulfill the obligation I lie under of giving my opinion, with relation to the present busines, I do not think that any levy of troops ought to be made till consuls are first chosen to lead them."

L. Quintius Cincinnatus. T. Quintius Capitolinus and L. Lucretius, all consular persons and the principal men in the senate, declared themselves of the same opinion, and one after another voted for the abolition of the decemvirate. M. Cornelius, one of the decemvirs, apprehending that the authority of those great men would draw the rest of the senate after them, interrupted the order of gathering the suffrages, and asked the opinion of his brother L. Cornelius, with whom he had before concerted the speech he should make in defence of the decemvirate. That senator rising up, never went about to justify either the authority

rity or conduct of the decemvirs : but taking a more cunning turn he only represented that he thought it would be expedient to defer the election of new magistrates, till they had driven the enemy out of the territory of Rome. " Have those, said he, who prosecute the abdication of the decemvirs with so much warmth, had any promise from the Æqui and Sabines, that they will put a stop to the progress of their arms, till we have changed the form of our government? You know, said he, conscript fathers, the tedious delays which our elections require : First, there must be a *senatus consultum* to appoint the comitia. That assembly, whether convened by centuries or by tribes, cannot be held till seven and twenty days after notice given. And before the new magistrates can be named, and confirmed by a second assembly, and have taken possession of the government of the state, and raised the troops necessary to repell the enemy, who will warrant us that we shall not see them at the gates of Rome, and in a condition to lay siege to the city? Shall we go ridiculously and say to the Æqui and Sabines, Gentlemen, pray suspend the progress of your arms; let us be quiet till we have put an end to our divisions at home: the senate is not yet agreed about the form of our government; but when once the consulship is restored, when once we have new magistrates at the head of our armies, you yourselves then may take branches of Vervain, and come and sue to us humbly for peace, unless you have a mind to feel the fury of our legions? Is such a discourse fit to be heard in so venerable an assembly? And yet these are the natural consequences of Claudio's proposal *. Mine is, that our decemvirs immediately enlist the legions,

" and march forthwith against the enemies. Let
" us drive them from our frontiers ; let us force
" them, by the terror of our arms, to beseech us
" to grant them peace ; and when we have se-
" cured ourselves abroad, then, fathers, employ
" your thoughts upon our domestic affairs. Re-
" voke by your authority that of the decemvirs,
" if they will not lay it down themselves with a
" a good grace : call them to an account for their
" administration ; elect new magistrates in their
" room, and let the republic return again to her
" ancient constitution. But permit me to tell you,
" that in matter of government things must be
" done according to the present conjuncture and
" the necessities of the state."

The creatures of the decemvirs declared loudly for this opinion. The younger senators, when it came to their turn to speak, agreed to it, out of the heat of their courage, which made them long to come to an engagement with the foe. Some of the oldest senators were of the same tide, in hopes that after the war was finished, the abdication of the decemvirs would follow quietly of course, and so the government return naturally into the hands of the consuls ; and that prudent magistrates by their moderation might perhaps accustom the people by slow degrees to do without their tribunes.

Appius, who with pleasure saw that the majority were of the opinion of Cornelius, did then only for form's sake, desire that of Valerius, on whom he had imposed silence at the beginning of the assembly. " Is it possible, cried that senator, that
" we can bear to see our tyrants exercise their do-
" minion thus in the senate, and in the very fanc-
" tuary of liberty ? My mouth was stopped when
" my speaking could have been of any service, and
" now I am allowed to declare my mind when the
" votes are already gathered, when the majority
" ha-

“ has declared for the opinion of Cornelius, and
 “ when all further remonstrances are hardly to any
 “ manner of purpose. However, I will not betray
 “ my conscience and the interests of my country.
 “ I will speak what I think of the continuance of
 “ the power which the decemvirs have usurped,
 “ and I will do it with the courage and freedom
 “ of a true Roman.

“ I declare first that I heartily subscribe to all
 “ that C. Claudius has so wisely represented to
 “ you, with relation to the necessity there is of
 “ creating new magistrates before we take the field.
 “ But since L. Cornelius, the avowed defender of
 “ tyranny, has endeavoured to turn so judicious a
 “ counsel into ridicule, upon pretence that the de-
 “ lays requisite in the election of those magistrates
 “ would waste the time that should be employed
 “ in repelling the enemy, I think myself obliged
 “ to shew you the weakness of this false reasoning.
 “ To convince you of it, do but call to mind the
 “ measures which the republic took about ten years
 “ since against the same enemies, in the consulate
 “ of C. Nautius and L. Minutius.

“ You know that while Nautius was on one side
 “ fighting against the Sabines, Minutius, his col-
 “ league, suffered himself to be shut up by the
 “ Aequi, in the narrow passages of some moun-
 “ tains. There was a necessity to raise a new army
 “ to relieve them; the tribunes as usual opposed
 “ raising any troops, unless the senate would ad-
 “ mit the law concerning the partition of the lands.
 “ In this perplexity, as neither party would abate
 “ any thing of its pretensions, recourse was had to
 “ a dictator, whose authority was superior both to
 “ the senate and the tribunes of the people. L.
 “ Quintius was chosen; he was sent for out of the
 “ country; he returned to Rome; he raised a new
 “ army, and in a fortnight's time brought off that
 “ of Minutius, and triumphed over the enemy.

“ What

“ What hinders now but that we should follow so wise and so recent an example? Let us chuse an inter-rex, as we should do if the two consuls were dead. Let him name a dictator; you will then have a lawful magistrate; all this may be done in less than a day. He will raise troops by the supreme power belonging to his dignity; we shall march against our enemies out of hand; and at our return from the campaign, that magistrate, whose power cannot last more than six months, will by his abdication give us time to proceed at leisure, and according to the usual forms upon the election of consuls. If on the contrary you intrust the command of your armies to the decemvirs, do you imagine those ambitious men who have usurped a tyrannical power, and in spite of all our laws refuse so obstinately to deliver up the fasces, will easily be brought to lay down their arms? Believe rather they will turn them against yourselves, and make use of them to perpetuate their tyranny. I demand therefore, in the extreme danger which the public liberty is now in, that the proposal I make to name a dictator be examined, and the opinions and votes of the senate gathered whether it shall be done or no.”

Such of the senators as abhorred or feared the power of the decemvirs, declared themselves of this opinion. But the favourers of the decemvirs cried out, that the command of the armies had already been assigned to the decemvirs by plurality of voices; that it was an affair decided, and that Valerius's opposition ought to be looked upon only as one voice the less in favour of the decemvirs. Appius in confirmation of this argument added, that the assembly was called only to give order about the war, which the *Æqui* and *Sabines* made upon the republic. That C. Claudius, Cornelius and Valerius had proposed different opinions;

opinions ; but that of Cornelius having prevailed with the majority, he ordered the secretary to draw up the *senatus consultum* out of hand, committing to the decemvirs the care of this war, and the command of the armies. Then turning to Valerius, he told him with a contemptuous smile, that if ever he attained to the consulship, he might then have an affair already decided, revised over again. The decemvirs arose after having signed the *senatus consultum*, and went out of the senate, followed by their adherents, who congratulated them upon the advantage they had just gained over the opposite party.

The command of the armies now allotted them confirmed their authority, and made it yet more formidable. They employed it to revenge themselves of their private enemies, and they reckoned as such all those that did not submit to be their slaves. Every body in secret bewailed the loss of their liberty. L. Valerius and M. Horatius, who would be wanting neither to the republic nor themselves, gathered together in their houses a great number of their friends and clients to secure them against the violence of the decemvirs ; and they never appeared in the city without a powerful attendance strong enough to repel the insult they had reason to expect. The commonwealth was split into two parties ; of one side was a noble zeal for liberty, and an inviolable adherence to the laws ; of the other was an immoderate thirst of dominion, supported by the magistracy and the appearances of a legal authority. The animosity which raged in these two parties, gave cause to dread a civil war. C. Claudius, uncle to the decemvir of that name, for fear of being engaged in it, left Rome, as he had declared in full senate he would do, and retired to Regillus his old country. Other senators and the principal citizens of Rome, who could not endure the tyranny of the decemvirs, and yet found

themselves unable to destroy it, sought an asylum in the country or among the neighbouring nations. Appius enraged at this retirement, which was so flagrant a proof of the aversion which was borne to his government, placed guards at the city gates : But finding this precaution only encreased the number of the malecontents, he removed that guard ; and to be revenged of those that withdrew, he confiscated the effects they had in Rome ; with which he paid and rewarded his ruffians.

A conduct so violent opened the eyes of the people as well as of the senate. Both saw with indignation, that instead of wise legislators, they had established no better than so many tyrants. The people, jealous of the senate's authority, had at first with pleasure beheld a new power arising upon the ruins of the consulship, which allowed the senators no share in the government. The senate on their parts did not oppose the establishment of a tribunal, which delivered them from the seditious harangues of the tribunes of the people : And thus both the orders of the commonwealth had mutually sacrificed their particular magistrates to each other. The decemvirs, in whose hands their authority was deposited, took advantage of this folly : Their aim was to perpetuate themselves in the government. And having now got the command of the armies, they despised malecontents whom they no longer feared. The people, destitute of their tribunes, were forced to list themselves. The legions were soon compleated : They were divided into three bodies. Q. Fabius Vi-
bulanus marched against the Sabines at ^{Year of} *Rome,*
the head of one army, and Q. Petilius 304.
and M. Rabuleius were appointed for his
colleagues and his council. M. Cornelius was
named general of the troops that were to be sent a-
gainst the *Æqui*, and with him went L. Minucius,
M. Sergius, T. Antoniuss and C. Duellius, all de-

cemvirs. Appius their head staid at Rome with Oppius, and kept with him a body of troops which he placed as a garrison in the Capitol, to maintain his authority against the enemy at home, who was much more formidable than that abroad. Thus mere private men under the title of decemvirs got possession of the whole strength of the state, which under their dominion retained nothing but the bare name of a commonwealth.

The people who composed the legions, that is to say, the centurions and the soldiers, exasperated at the loss of their liberty, would not conquer, for fear of encreasing the power of the decemvirs by getting them victory. The two armies were defeated almost without fighting. They were not so properly battles as concerted flights. The army that was appointed against the Æqui lost their arms and baggage; that which was to fight the Sabines abandoned their camp, and made a hasty retreat to the territory of Rome. The soldiers dispersed different ways, and never rallied till they were out of sight of the enemy; and the news of these defeats was received at Rome with the same joy that would at another time have been shewn for a compleat victory.

It was openly said in the city, that it was no wonder the armies of the republic had ill success under leaders that had usurped the command. Some called for consuls; others proposed to chuse a dictator as in a public calamity, and the people languished for the restoration of their tribunes.

Siccius Dentatus, the renowned plebeian, that had been in a hundred and twenty engagements, filled the ears of the multitude with nothing but the faults which he affirmed the decemvirs had committed in the managment of this war. His opinion, and his contempt of those generals, spread over both the armies. Scarce would the soldiers so much as give heed to their orders. Some de-

manded

manded provisions, others arms; and a general discontent seemed to foreshew an approaching revolt.

Appius, who took care to provide against all events, sends recruits, and provisions to his colleagues. He exhorts them to keep the soldiers in awe by the terror of punishment; but that if they thought those methods dangerous in the present conjuncture, they would not want opportunities in that campaign to destroy the more mutinous by private means. He himself set them an example: Siccius was odious to him upon account of the freedom of his talk, and the power he had gained over the minds of the people; he resolved to rid himself of him. To draw him out of Rome, he consulted him upon the operations of the campaign. He discoursed with him several times; and after having bestowed great praises upon the advice he gave him, he engaged him, though a veteran, to go to the army that was fighting with the Sabines, pretending that he should assist the general with his counsels. And the sooner to induce him to make the campaign, he invested him with the title of envoy or legate: a function which among the Romans, according to Dionysius Halicarnassus, was sacred and inviolable*, and which included the sanctity of the priesthood, together with the authority of a general officer, and power of the chief magistrates.

Siccius, free from distrust, and with the sincerity of a brave soldier, gladly embraces an opportunity of serving his country. He repairs to the camp with all speed. The decemvirs, instructed by Appius, receive him with outward marks of joy, and treat him with distinction. Nothing is undertaken without his advice; but this seeming deference only concealed a private design of mak-

* D. H. l. 10.

ing away with him. An occasion soon offered. Siccias, with his accustomed freedom, having plainly told the decemvirs *, he did not think they were encamped so advantageously as they might be, they commisioned him to mark out a new camp as he thought proper, and gave him a guard to go and view the situation of the country. But this guard consisted only of the decemvirs rufians, who had secret orders to dispatch him. Siccias having led them into the narrow passages of some moutains, they took that opportunity to fall upon him. Siccias no sooner perceived their base design, but setting his back against a rock, that he might not be attacked behind, he received them with a courage that struck a terror into the boldest of them. That generous Roman, calling up all his ancient valour, slew several of them, and wounded others: Not one of them now durst venture near him: they stood at a distance and flung their darts at him. But as even this would not effect their purpose, the villains climbed up to the top of the rock, and thence knocked him on the head with stones. And thus this brave soldier, that had returned victorious from so many battles, at last fell unhappily by the hands of traitors hired by the decemvirs †. They then went back to the camp, and gave out that they fell into an ambush, in which they had lost their captain and part of their comrades. At first they were believed, but a band of soldiers, that looked upon Siccias as their father, going of their own accord to fetch his corpse, in order to pay their last duties to it, perceived that the slain were all Romans; that they were all fallen with their faces towards him; that they were stripped neither of their arms nor cloaths; and besides, that there was not one man of the enemy among them, or the least footsteps to be discovered of their

* Id. ibid.

† Liv. l. 3. c. 44.

retreat.

rereat. All these circumstances laid together, made them suspect that Siccius had been murdered by his guard. This suspicion ran all through the camp, and raised loud complaints and a general discontent. The whole army demanded, with the greatest fury, that the assassins should be brought to justice. But the decemvirs helped them to make their escape; and to stifle all thoughts that they themselves could have any hand in so horrid an action, they gave Siccius a military funeral, no less honourable than if he had commanded the army in chief. These honours so extraordinary for a plebeian, whom every body knew they hated, fully convinced the soldiers that Siccius was not murdered without their knowledge. The discontent of this army quickly spread to the other camp, and even to Rome. The citizens and the soldiers, the senate and the people, publicly cried out against so infamous a deed. All were ready to shake off the yoke of so bloody a rule, when Appius, by a new attempt, still more odious and tyrannical, filled up the measure of his tyrannies, and of the aversion which all the orders of the state had for him.

We have already said, that by agreement with his colleagues he staid at Rome at the head of a body of troops to keep the inhabitants in obedience to the decemvirate. That decemvir, who had brought into his own single person the authority of all the magistrates used to administer justice in the forum. As he was one day in his tribunal, he saw passing by a young woman of uncommon beauty, of about fifteen years of age, going with her nurse to the public schools: her charms, and the blooming graces of youth, immediately drew his attention. He could not help beholding her with a secret pleasure: his curiosity increased the next day; he thought her more lovely than before. And as the young creature went every day through the

forum, he by degrees conceived a violent passion for her, which in the end proved equally fatal to himself and her too. He had taken care, the very first day he saw her, to enquire out her name and family. He was informed that she was by birth a plebeian; that her name was Virginia; that she had lost her mother, who was called Numitoria; that her father Virginius then served as centurion in the army of F. Vibulanus the decemvir, and that Virginius had promised his daughter to Icilius, who had been tribune of the people, and who was to marry her at the end of the campaign.

This account, so perplexing for Appius's love, only served to encrease it. He would readily have married Virginia himself; but besides that he had a wife already, he had not forgot that the last laws of the twelve tables, of which he was the chief framer, prohibited all alliances between patricians and plebeians; and he had no room to hope for the accomplishment of his guilty wishes, but by the scandalous means of debauching the young lady.

The innocence and modesty of Virginia hindered him from opening his dishonest purpose directly to herself. He thought it more proper to begin the work by means of one of those women of intrigue, who make a private market of the beauty and charms of youth*. He loaded her with favours; and, after having let her into his desires, he ordered her not to name him, and to speak of him no otherwise than as a man of one of the best families in the city, and that had an absolute authority in the commonwealth. This woman by his directions, applied herself to Virginia's nurse. She made an acquaintance with her, tried to insinuate herself into her confidence; and after great preparations backed with noble presents,

* D. H. l. 11. p. 710. Liv. l. 3. c. 13.

and

and promises yet more glorious, the wicked wretch discovered to her the subject of her errand. But the nurse, equally prudent and faithful, rejected with horror both her gifts and her proposals. Appius learned with grief that it was equally impossible either to deceive or corrupt her. That magistrate, furious and obstinate in his passions, was however not disheartened: He had recourse to another artifice, and laid a most detestable scheme, which if it succeeded would put Virginia wholly in his power.

He intrusted the chief part to a client of his named M. Claudius, a man without shame or fear, and one of those that introduce themselves to the ear of the great, only by a base complaisance for their pleasures. This minister of the decemvir's passion entered the public school where Virginia was, took her by the hand, and was dragging her by force to his own house, pretending she was the daughter of one of his slaves; and it was the custom that the children of slaves were slaves themselves to the masters of their father and mother. The young lady, overwhelmed with confusion, defended herself only by her tears; but the people moved at the cries of her nurse ran to her assistance, and hindered Claudius from carrying her away. The impudent villain immediately implored the assistance of the laws; he said, he did not mean to use any violence; but that he thought a master might seize his slave wherever he found her, and called those who opposed the justice of his pretensions to appear with him immediately before the decemvir; and with this he led the young Virginia to his tribunal. All the people followed her, some out of curiosity to see the issue of so strange a business, and others out of affection to Icilius, who during his tribunate had made himself very acceptable to the multitude. Numitorus, Virginia's uncle, having notice of what was doing, presently hastened to her

her assistance, together with him to whom she was betrothed. Cladius laid open his claim before a judge that was himself the author of the villany. He said, the girl was born in his house, that she was privately stolen away by a slave that was her mother, and who to conceal her theft, had pretended to be delivered of a dead child. But that it had since been discovered that she had sold this girl to Virginius's wife who was barren, and who, being uneasy at having no child, had made her pass for her daughter : That he was ready to produce undeniable testimonies of what he advanced ; but that in the mean while, till the contest was decided, it was but just that a slave should go with her master, and that he would give good security for her appearance again, if Virginius, at his return, still pretended to be her real father.

Numitorius presently saw that there was some body much more powerful at the bottom of this contrivance ; but he prudently concealed his suspicions, and represented to the decemvir with a great deal of calmness, that his niece's father was absent in the service of his country ; that it was very unjust to dispute a citizen's right to his very children, when he was not present to assert it ; that he asked a respite but of two days to fetch him from the army ; that till his return he would keep Virgintia in his own house. That this care belonged to him as being her uncle ; that he would give any security whatsoever for producing her again ; but that it was not reasonable to trust the daughter of Virginius in the house of such a one as Cladius where her honour would be more in danger even than her liberty. He added, that what he demanded was conformable to the laws, which ordained, that in a law-suit, before a definitive sentence, the plaintiff should not disturb the defendant in his possession.

The whole assembly approved the justice of this request,

request. Appius having caused silence to be proclaimed, and affecting the equity and impartiality of a just judge, declared that he should always be the protector of so reasonable a law, and which he himself had inserted in the twelve tables. But that in the present dispute, there were some particular circumstances which altered the case; that none but the father could claim possession of her he pretended to be his daughter, and that if he were present he would allow him the provisional keeping of her; but that a brother-in-law had not the same privilege in his absence. That he was indeed willing to grant whatever time was necessary to send for Virginius from the army, but that delay should not be in prejudice of a master that laid claim to his slave; and that therefore he decreed that Claudius should take Virginia to his house, giving good security to produce her again at the return of him who was called her father.

The whole assembly exclaimed against the injustice of this decree: Nothing was to be heard but murmurs and complaints. The women especially with tears in their eyes gathered round Virginia, and placed her in the midst of them, as if they meant to defend her. But Claudius, without any regard to their shrieks or intreaties, went to force her away; when Icilius, to whom she was promised, came into the forum with rage and fury in his eyes. Appius, who was fearful of his credit with the people, ordered a lictor to bid him withdraw, and to tell him that the affair was already judged. But Icilius, whose passion made him regardless of danger, being informed of Appius's base designs, and looking upon him as a hated rival: "Thou shalt tear my life from me, cried he to him, before thou shalt enjoy the fruit of thy vile artifices and insupportable tyranny. Is it not enough that thou hast deprived us of the two strongest bulwarks of our liberty, the protection of our tribunes,

" tribunes, and our right of appeal to the assembly of the people ? Cannot the honour of the Roman maids be safe from thee ? Thou canst not be so to learn that Virginia is betrothed to me. I expect to marry a virgin and one free-born ; I will receive her from no man's hands but her father's. If in his absence any attempt is made to do her violence, I will implore the aid of the Roman people for my wife ; Virginius will demand the assistance of all his fellow-soldiers, for his daughter ; and both gods and men will be of our side. But though I had not a man to assist me, justice and virtuous love will give me sufficient power to prevent the execution of thy unjust sentence.

The people, equally moved with his misfortune and his courage, drive back Claudio, who takes refuge at Appius's feet. The assembly was full of disorder and confusion. The tumult increased by the arrival of those that flocked to the forum from all parts of the city. The decemvir fearing an open revolt, thought fit to suspend the execution of his decree ; and having caused silence to be made : " It is well known, said he, Icilius only wants an opportunity of restoring the tribuneship by means of a sedition. But to remove all pretence of complaint, I am willing to wait for Virginius's return till to-morrow. Let his friends take care to give him notice. It is not above four hours journey from hence to the camp. I will prevail upon Claudio to yield up somewhat of his right for the sake of the public peace, and to let the girl remain at liberty till the return of the man she imagines to be her father.

Claudio, feigning to admit, though unwillingly, of this delay, requested at least that Icilius might give security for producing Virginia on the morrow. The people all round immediately held up their hands, and every man offered eagerly to be

be his security, Icilius touched with the affection of his fellow-citizens, after having returned them thanks : " We will make use of your assistance to-morrow, said he, if Claudius does not desist from his unjust pretensions. But for to-day, I hope they will be satisfied with my security and that of all Virginia's relations.

Appius, though quite blinded by his passion, durst not refuse such security : But dreading Virginius's return, he privately dispatched a messenger to his colleagues who commanded the army, begging them to arrest Virginius upon some pretence or other ; or at least not to give him leave in any wise to return to Rome. He thought that he not appearing at the time appointed, he might then with a good colour deliver up his daughter into Claudius's hands : But his courier came to the camp too late. Numitorius's son and a brother of Icilius, had been beforehand with him, and had already given Virginius an account of his daughter's danger ; and that Roman, finding her preservation depended upon his return to Rome, had obtained leave and was departed before the arrival of Appius's messenger. The decemvirs had no sooner received his letter, but they dispatched some horsemen after him to stop him. Appius had placed some too with the same design in the road that led from the city to the camp : But all these precautions were ineffectual. Virginius, who foresaw them, went out of the common way, and came into Rome at a gate directly contrary to that which went to the Roman army.

He appeared next day in the forum pierced to the heart with grief, and leading in his hand his daughter all drowned in tears. She was accompanied by her kinswomen, who asked the people in the most melting terms, whether it was fit that while so good a citizen ventured his life for the defence of his country, his children should be exposed

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ed to more barbarous insults than if the city were fallen into the hands of the enemy. Virginius used almost the same expressions to all he met, and conjured them to take his daughter into their protection. Icilius, quite furious with love and resentment, inveighed loudly against Appius's lust. But the tears of Virginia, her youth, her innocence, her beauty moved the multitude more than all the complaints and intreaties of her family.

Appius heard not without extreme surprise that Virginius was in the forum, with his friends and his whole family. His return broke all his measures ; and he feared with the aid of the people he would forcibly oppose the execution of the decree he had resolved upon. To * secure himself against all resistance, he ordered down from the Capitol the troops that were lodged there under his command, and they took possession of the forum. He then repaired thither himself, and having seated himself in his tribunal with that emotion which his impatience to compleat his crime raised in him, he said he was not unacquainted with the methods Icilius had used to inflame the people ; but that he would have them know he wanted neither power nor resolution to chastise those that should dare to disturb the public peace : And thereupon he commanded Claudius to open his demand, and proceed in his action. Claudius then said, that no body was to learn that the children of slaves belonged to their masters ; that as such he challenged Virginia. He at the same time produced the slave whom he had suborned, and who, out of fear of her master, declared that she had sold Virginia to Virginius's wife. Claudius added, that he did not want for other witnesses if there were occasion, and that he had hopes from the decemvir's justice, that he would not suffer himself to be moved by the cla-

* D. H. l. 11.

mours and threats of Icilius's adherents, nor to be worked upon by the tears of a young creature, whose fate he must own deserved compassion; but who being born in servitude, ought to return to it, though she had been educated like a free person.

The friends and relations of Virginius, to destroy these impostures, represented, that his wife had had several children, and that if upon her losing them she had been minded to introduce a stranger into her family, she would never have taken the child of a slave, and certainly not a girl, when she might as easily have chosen a boy. That her kinsfolks and neighbours had seen her big of this daughter; that the child when it came into the world was received in the hands of her relations. That it was notorious her mother Numitoria did herself give suck to young Virginia; which she could not have done had she been barren, as Claudius falsely alledged. That it was strange that impostor should be so profoundly silent in such an affair for fifteen years, and should never declare his pretensions till the young-woman was grown up to that wonderful beauty which was the cause of the persecution she then suffered.

Appius fearing this argument would make too great an impression upon the multitude, interrupted him; pretending he had something to say himself: and addressing his speech to the assembly,

" Virginia's friends, said he, must not pretend to
 " take advantage of Claudius's long forbearance.
 " For my conscience obliges me to declare, that I
 " myself have a long while since known of this
 " cheat. Every body knows that Claudius's fa-
 " ther, at his death, left me guardian of his son.
 " Soon afterwards I was told, that as such I ought
 " to reclaim this young slave as part of the succe-
 " sion of my ward and my client, and I then heard
 " the same witnesses as have given testimony this
 " day. It is true, our domestic feuds, and the

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" hurry of public business, hindered me then from
 " taking due care of that of a private person, but
 " the post I am in now will not allow me to refuse
 " him the justice which I owe to every man :
 " therefore I decree that the plaintiff take home
 " this girl as his slave."

Virginius, provoked to the highest pitch at so unjust a sentence, no longer kept any measures with the decemvir. He made known to the whole assembly, that he himself was the contriver of the imposture which his client acted ; and addressing his speech to him ; " Know, Appius, said he, I " did not educate my daughter to prostitute to thy " infamous pleasures ; I gave her to Icilius, and " not to thee : Couldst thou imagine * the Romans " would suffer their wives and daughters to be " taken from them to satisfy the lewd passion of a " tyrant ?"

The multitude at hearing this, raised a thousand clamours full of indignation. Appius, almost mad to see his crime discovered, commanded the soldiers that surrounded his tribunal to drive away the people. " And you said he, turning to one of " his lictors, force a passage through the crowd, " and make way for a master to lay hold of his " slave."

The people, who always fear those that do not fear them, finding themselves attacked by Appius's soldiers, disperse, retire, and as it were deliver up Virginius's daughter to the decemvir's passion. Then that unhappy father, who sees with despair that innocence is going to be oppressed with an unjust power, desires of the magistrate, that before Claudius carries away his daughter he may at least be allowed to talk a moment to her in private with her nurse ; " To the intent, said he, that if I can

* Livy Dec. i. l. 3.

" discover

" discover some token that I am not her father, I
" may return to the camp with less grief and
" concern."

Appius readily granted him this request, upon condition however that it should be in Claudius's sight, and without stirring out of the forum. Virginius, pierced to the heart with the sharpest affliction, takes his daughter, half-dead, in his arms; he wipes away the tears in which her face was all bathed, embraces her, and drawing her near to some shops which were on the side of the forum, chance directed him to a butcher's knife; he takes it, and speaking to Virginia, " My dear " child, said he, this is the only way to save thy " honour and thy liberty :" With these words he plunges the knife into her heart, and drawing it out again all smoaking with the blood of his daughter: " It is with this innocent blood, cried " he to Appius, that I devout thy head to the in- " infernal gods." What people were left in the forum run to this dismal sight, utter loud shrieks, and detest the decemvir's tyranny, which has reduced a father to so cruel a necessity. Appius, from his tribunal, calls out in the greatest fury that they should seize Virginius. But he opens himself a passage with the knife which he had in his hand; and being favoured by the multitude, gets to the city gate, and went directly to the camp with part of his friends and relations, who would not leave him in so great a misfortune.

Numitorius and Icilius stay by the body of Virginia, shew it to the eyes of the multitude, and beseech them not to let her death go unrevenged. Crowds flock to the forum from all parts of the city. Valerius and Horatius, who had so undauntedly opposed the continuation of the decemvirate, come thither some of the first, with a great number of young patricians of their party. Appius, fearing their credit and eloquence, sends them

orders to withdraw, and at the same time commands the body of Virginia to be removed from the forum. But Valerius and Horatius oppose it. Appius, exasperated with the death of Virginia, and the contempt which was shewn of his orders, advances with his lictors and troops to seize those two senators. But the people, urged to fury, drive him back, break the fasces in pieces, pursue him himself as a tyrant, so that to save his life he was constrained to fly with his face covered, and to hide himself in a neighbouring house.

Valerius and Horatius place the corpse of the unfortunate Virginia in an open litter, and under pretence of carrying it back to her father's house till the last duties could be paid to it, they shew it through the high-streets to stir up the resentment of all the citizens *. Men and women all run out of their houses to see this funeral pomp ; the men throw perfumes into the litter ; the women and maids, with tears in their eyes, put garlands of flowers on it. All bewail her fate, and by those mournful presents seemed to make a vow to revenge her death. The whole city would have risen that moment, had not Valerius and Horatius, who managed this business, thought it more convenient, before they broke out, to see what Virginius's return would produce in the army of Algidum.

He entered the camp, attended, as we said before, by part of his friends, and holding still in his hand the bloody knife with which he had killed his daughter. The soldiers having heard of his misfortune, run about him from all sides ; Virginius gets upon a small eminence from whence he might the more easily be heard : his face was drowned with tears, and grief for some time tyed his tongue. At length breaking this mournful

* D. H. I. 11.

silence,

silence, and raising his hands to heaven, “ I call “ you to witness, immortal gods, said he, that “ Appius alone is guilty of the crime I have been “ forced to commit.” He then related, with tears, the plot which the decemvir had laid to get his daughter; and addressing himself to the soldiers, who heard him with great compassion : “ I con- “ jure you, my fellow-soldiers, said he *, do not “ drive me out of your company as a parricide and “ the murderer of my daughter. I would with “ all my heart have sacrificed my own life to have “ preserved hers, if she could have lived with her “ honour and her liberty. But finding the tyrant “ only meant to make her a slave, that he might “ have an opportunity to dishonour her, pity a- “ lone made me cruel : I rather chose to lose my “ daughter than keep her with shame ; but I “ would not have outlived her one moment, had “ I not hoped to revenge her death by your assist- “ ance.”

All the soldiers, detesting so base an action, assure him they will not fail him, if he undertook any thing against Appius. But their centurions and the chief leaders of bands resolved to extend their resentment to all the decemvirs, and to shake off the yoke of a dominion that was unlawful, and now grew into open tyranny.

The decemvirs that commanded the army being informed of Virginius's return, and of the disposition of the people, sent for him with design to secure him. But his friends hindered him from obeying their orders, and the soldiers being gathered together in parties, their officers made them so lively a representation of the foulness of Appius's attempt, that the soldier wanted nothing but to return to Rome to destroy the decemvirst. Nothing but the military oath withheld them, and they

* Liv. Dec. 1. l. 3.

thought they could not leave their ensigns and their generals without offending the gods, and dis honouring themselves. But Virginius, who burnt with impatience to revenge himself of Appius, removed that scruple *, by assuring them that their oath bound them only to generals invested with a lawful authority; and that the first obligation which a Roman lay under at his birth, was to sacrifice his life in defence of the public liberty. There needed no more to satisfy the conscience of those soldiers. They immediately flew in a kind of fury to their arms, took up their ensigns, and under the particular conduct of their centurions, took the way to Rome. The decemvirs, surprised at so general a desertion, ran to stop them. But where-ever they turned themselves, they found none but exasperated spirits who breathed nothing but vengeance. They reproached them with their pride, their avarice, the deaths of Siccius and Virginia, and with Appius's lust, yet more intolerable than their cruelty. The soldier sternly tells them he is born free, and that he is going to Rome only to restore liberty to his fellow-citizens.

The army entered Rome about evening, without making any disturbance, and without so much as a soldier's stirring out of his rank. They contented themselves, as they passed by, with assuring their friends and relations that they were returned only to destroy tyranny. All the troops marched quietly through the city to Mount Aventine, and were resolved not to separate till they had obtained the deposit of the decemvirs, and the restoration of the tribuneship.

Appius terrified with remorse of conscience, and with this revolt of the army, durst not appear in public. But Oppius, his colleague, who dreaded the consequences of this tumult, had then re-

* Liv. l. 11.

course to the authority of the senate; and contrary to the custom of the decemvirs, he convened it extraordinarily. Most of the senators were not sorry for a commotion which might help to re-establish the government upon its ancient foundations. However, as it was of dangerous consequence to let the people see that it was in their power to do themselves justice, and in order to keep the supreme authority still in the senate, they sent to Mount Aventine S. Tarpeius, C Julius, and P. Sulpitius, all three consulars, who demanded of those soldiers severely, by whose command they had left their camp and their generals.

Those soldiers, perplexed with this question, remained for some time in silence. At length they broke it, and cried out all together that Valerius and Horatius should be sent to them, and that they would give them a true account of their conduct. Those two senators were the men chosen, because the multitude looked upon them as the declared enemies of the decemvirs, and the most zealous defenders of liberty.

While the three consulars returned to the senate, to give an account of this answer of the soldiers, Virginius put them in mind that it was necessary they should chuse some of their centurions to enter into negotiation with the commissioners they had demanded. He himself was immediately named the first; but he excused himself from accepting of that commission, by reason of the violent sorrow with which he was oppressed, and which did not leave him sufficient liberty of mind to maintain the public interests. The army, upon his refusal, appointed ten other centurions, and to do honour to their choice, they gave those officers the title of military tribunes.

The army sent against the Sabines followed the example of that of Algidum. Numitorius and Icilius had been there, and raised the same tumult among

among them. All the soldiers, having also first chosen leaders to command them, marched colours flying strait to Rome and joined the other army. Though the senate was not sorry to see the authority of the decemvirs abolished, yet besides that such a desertion was of dangerous example, the frontiers were left exposed to the usual incursions of the enemies. Therefore Valerius and Horatius were hastened to Mount Aventine to bring the soldiers back to their duty. But those two senators, who found their mediation was absolutely necessary, declared they would not move a step so long as the decemvirs, whom they called usurpers, remained masters of the government.

Those magistrates on the contrary alledged, that they could not lay down their dignity till they had published and passed the two last tables of laws which were to be added to the first ten, and that that was the only term fixed for the expiration of their magistracy by the establishment which the senate and people conjointly had made of it the preceding year. L. Cornelius, yet a warm stickler for the decemvirate, even advised that no negotiation should be entered into with the two armies, till they were returned each to their former camp, and that upon those conditions the soldiers should be offered a general pardon, out of which however the authors of the desertion should be excepted.

But an advice so imperious, and so very improper in the present disposition of the peoples minds, was backed by no body. On the contrary, the decemvirs were made sensible that they must absolutely renounce an authority which was expired, and which the senate and people were resolved not to continue them in. The soldiers in fury threatened even to constrain them to it by force; and they went over to the Mons Sacer, as to a place where their ancestors had laid the first foundations

of

of the people's liberty. Every thing at Rome was in that commotion which usually precedes the greatest revolutions. At length the decemvirs, quite borne down by the multitude of their enemies, promised in full senate to depose themselves; they only desired that they might not be sacrificed to the hatred of their enemies, and represented that it concerned the senate not to accustom the people to shed the blood of patricians.

Valerius and Horatius having brought this affair to the point they wanted, repaired to the army; they were received there as its protectors. The people demanded only the restoration of their tribunes, their privilege of appeal, and an amnesty for all that had left their camp without permission from their generals. But first of all they obstinately insisted that the decemvirs should be delivered into their hands, and loudly threatened they would burn them all alive.

Valerius and Horatius were not at all more favourable to those magistrates than the people themselves; but they prosecuted the design of destroying them with more art. At the same time that in general terms, they exhorted the whole army not to be governed by cruel thoughts, they cunningly insinuated to the chief leaders, that when the people were in possession again of their rights, and their tribunes, and when their laws and assemblies were restored to them, they would then have it in their power to do justice to themselves; and that before the negotiation was out of their hands, they hoped to enable them to dispose uncontrollably of the lives and fortunes of their fellow-citizens, let their quality be what it would.

The people being satisfied by their officers, that even their former tribunes could not have more zeal and warmth for their interests than those two senators, trusted every thing to their management. Valerius and Horatius returned immediately to the senate;

senate; and in the account they gave in public of the demands of the people, omitted their resentment and threats against the decemvirs. They even seemed to hint, that they consented every thing past should be buried in oblivion, provided their tribunes were restored to them. The decemvirs, allured with these false hopes, went into the forum, where they publicly laid down their authority. Appius alone, stung with remorse of conscience, made a different judgment of this seeming moderation in the army. Though he had deposed himself as well as the rest of his colleagues, "I am not ignorant," said he aloud, of the mischiefs which are preparing for us. They only let alone attacking us till they have put arms into the hands of our enemies."

Valerius and Horatius, without troubling themselves with his dismal presages, ran to the camp to acquaint the people with the abdication of the decemvirs, and the senate's decree for the restoration of the tribunes: "Return, soldiers, said he, to your country; come once more and see your domestic gods, your wives and children; and may this return be happy and propitious to the republic." The army gave them the most hearty thanks, the soldiers proclaimed them the people's protectors, and the generous defenders of the public liberty. They immediately take up their ensigns, and exulting with joy chuse the shortest way to Rome. But before they separated or returned to their houses, the whole army and people went to Mount Aventine, where they made election of their tribunes *. A. Virginius the father of the hapless Virginia, Numitorius her uncle, and Icilius, to whom she was betrothed, were chosen first. C. Sicinius, M. Duillius M. Titinius, M. Pomponius, C. Apronius, P. Villius,

* Liv. Dec. 1. l. 3.

and C. Oppius, were appointed their colleagues. An *inter-rex* was afterwards created, and according to the desires of the people named for consuls L. Valerius and M. Horatius; *Year of the reward of their successful cares for Rome* 304.
the restoration of the public tranquillity.

Their whole consulate was popular, and the plebeians obtained from them, what they durst never have hoped from their very tribunes themselves. We have already seen that the patricians and senators pretended they were not subject to the decrees of the people in assemblies convened by tribes. The people, on the contrary, maintained that the sovereignty of the state lying essentially in the general assembly of the Roman people, all the citizens of every rank whatsoever ought to be subject to it, since they had a right to give their votes in it, each in his tribe. This dispute was often renewed between the two orders of the republic. The two consuls taking advantage of the absolute authority they had then in the government, got this important affair decided in the people's favour, and by a decree passed in the comitia of centuries, it was declared, *That all decrees made in the comitia by tribes should have the force of laws with relation to all the citizens.*

The *Lex Valeria* touching appeals to the assembly of the people was confirmed a new, and strengthened with another, making it unlawful to establish any magistracy for the future, from whose judgments an appeal should not lye to that assembly. The consuls added to this law a regulation importing, that the *senatus consulta*, which were often suppressed or altered by the consuls, should for the future be transmitted to the aediles, and preserved in the temple of Ceres. Most of the senate subscribed to these various regulations not without repugnance. They saw with grief that two patricians

patricians and consuls, more plebeian than the tribunes themselves, under pretence of securing their liberty, were absolutely ruining the authority of the senate. But the more equitable and less ambitious part of that body, grown wiser by the tyrannical conduct of the decemvirs, chose rather to give the guardianship of the public liberty to the people, than to intrust it to the men of power, who, by their credit, might have an opportunity of making a wrong use of it.

The republic by these several regulations, and the re-establishment of her old magistrates, having resumed her ancient form of government, there was now nothing left of the decemvirate but the persons of the decemvirs. We have already seen how odious they were to the multitude : Virginius thought this a good time to prosecute them ; and in quality of tribune of the people, he brought an impeachment against Appius, and declared himself his accuser. Appius came before the assembly habited in black, suitable to the present condition of his fortune. The people beheld with pleasure that haughty decemvir with a dejected countenance, in the very same place, where but a few days before he appeared surrounded with his guards, and proudly awing the multitude with the terror of his lictors armed with their axes.

Virginius addressing his speech to the assembly *, “ I accuse, said he, O Romans, a man who made himself the tyrant of his country ; who obliged you to have recourse to arms to defend your liberty ; who to satisfy his infamous lust, was not ashamed to tear a Roman maid of free condition out of her father’s arms, to deliver her over to the vile minister of his pleasures, and who by a sentence no less unjust than cruel, reduced a father to the extremity of stabbing his

* Liv. I. 3. D. H. I. 11. Diod. I. 12.

" own daughter to save her honour." Then turning to Appius, he told him, that without expatiating upon a relation of all his crimes, the very least of which deserved the highest punishments, he only demanded what he had to say for the sentence he gave against Virginia : " Why, said he, " did you refuse a woman of free condition, her liberty provisionally, while it was yet in dispute? " If you cannot answer me, I ordain that you be " immediately carried to prison "

Appius represented, that a person accused had never been denied the delays necessary to provide for his defence; that it was a thing unheard of in the republic, that any citizen should be imprisoned before he had been heard in a full assembly; and that if the tribune, contrary to all laws, pretended to arrest him, he appealed from him to the people: and that their conduct towards him would shew posterity, whether the appeals about which the people seemed so jealous, were not only the appearance of a privilege, subject to the cabals and brigues of the tribunes, or whether they were to be looked upon as the immoveable supports of liberty.

Most unprejudiced men thought this demand but reasonable: But Virginius maintained that Appius was the only person who ought not to enjoy the benefit of the laws, which he himself had violated in his decemvirate. He accused him, that without regard to the privileges of Roman citizens, he had put many of them to death; that he had imprisoned others; that he had even built new prisons, which he used with a barbarous irony, to call the houses and abodes of the Roman people. " Thus, said Virginius, tho' " you appeal a hundred times over to the people, " I order that you be arrested, for fear so many " heinous crimes should escape the justice of the

"laws." Accordingly he was led to prison, and the tribunes appointed him a day for producing his defence.

His uncle, C. Claudius *, who had always been against the decemvirs, and who had particularly detested the pride and insolence of his nephew, ran however to his aid as soon as ever he heard of his disgrace. We have already said, that to avoid being an eye-witness of the tyrannical government of the decemvirs, and of the miseries of Rome, he had retired to Regillus, the ancient country of his ancestors. He was no sooner come to Rome, but he appeared in the forum in a habit of mourning, and made strong solicitations for his nephew's liberty. His friends and relations joined with him in it, and reminded the people, that it would be a shame to themselves in future ages, that the man who had invented their laws and composed the Roman jurisprudence, had been buried in a dungeon with villains and robbers. Claudius besought every man, particularly not to fix such a shame upon the family of the Claudians : but rather to grant one single man to so many illustrious citizens of the same name and blood who begged him, than to refuse almost the whole senate, for the sole sake of Virginius. He said, that the people having fortunately recovered their liberty by their courage, there wanted nothing now to the happiness of the republic, but an union among the several orders of the state, which would be best restored by clemency, and by forgiving Appius for the sakes of those who begged his pardon.

Dionysius Halicarnassus tells us, that the tribunes fearing Appius would escape them by the interest of his family, caused him to be strangled in prison, and then gave out, that that famous criminal despairing of mercy, had killed himself.

* Liv. Dec. 1. l. 3.

before the day appointed for his trial. Livy, without mentioning a word of the tribunes, barely relates that Appius, to avoid the infamy of a public punishment, put an end to his own life in prison. Be it as it will, Sp. Oppius, his colleague, had the same fate. Numitorius, another tribune of the people, and Virginia's uncle, prosecuted him as the accomplice and assistant of Appius. Besides this article, a veteran soldier complained that without the least cause, he had ordered his back to be torn with whips by his satellites. That decemvir was condemned by the unanimous suffrages of the people; he was thrown into prison, and Dionysius Halicarnassus tells us he was there executed the very same day. The other eight decemvirs sought their preservation in flight, and banished themselves. Their effects were confiscated and sold publicly, and the produce carried by the quæstors into the public treasury. Marcus Claudius, the instrument that Appius made use of to get Virginia into his power, was condemned to death. But he had friends who prevailed with Virginius to be contented with his exile.

This revenge was taken for the innocent blood of the unfortunate Virginia, whose death, like that of Lucretia, procured the Roman people their liberty a second time.

Though the punishment of the decemvirs was owned to be just; yet the senate could not help being under some consternation at the death and exile of the chief men of their body. They were especially displeased with the two consuls, who had given them up to Virginius's resentment, without shewing the least inclination to soften the people in their behalf. Neither was it possible to foresee what bounds the tribunes, who were so closely united with the two consuls, would put to their revenge; They seemed to be so many new decemvirs, that had a design to bring in the like tyranny again.

Duillius, who was one of that college, but more moderate, dispelled the fears of the senate : " At length, says he, in a full assembly, enough has been done for the satisfaction of Virginius, and the restoration of our liberty. I FORBID that during the rest of the year any more people be brought to justice, or thrown into prison, for this affair " This word *I forbid*, so awful in the mouth of a tribune, put a stop to the prosecutions of his colleagues, and repressed their violence.

End of the Fifth Book.

THE

THE
HISTORY
OF THE
REVOLUTIONS

That happened in the Government

OF THE
ROMAN REPUBLIC.

BOOK VI.

The two consuls, Valerius and Horatius, obtain from the people the honour of the triumph which the senate had refused them. The tribunes form a design of making themselves perpetual. One of them hinders the execution of it. Two patricians are now first seen among the tribunes. The *Aequi* and *Volsci*, taking advantage of the divisions that rage in Rome, plunder the country to the very gates of that city. They are routed and cut to pieces by the consuls Quintius and Agrippa. Military tribunes. Censors. Sp. Melius aspires to the sovereign power.

In a public dearth he wins the meaner sort of people by free distributions of corn, and some of their tribunes by money. He causes a great quantity of arms to be brought into his house by night. His designs are found out. Refusing to appear before the dictator Quintius, he is run through with a sword by Abala general of the horse, in the midst of a band of his adherents, whom he was stirring up to a revolt. Mamercus Æmilius being dictator, proposes a law for restraining the office of censor to one year and a half. C. Furius and M. Geganius, the censors for that year, revenge themselves upon the dictator by trying to dis honour him. The people take his part. The consuls, T. Quintius and C. Julius Mento, are beaten by the Æqui and Volsci. The senate applies to the tribunes of the people to get them to cause a dictator to be named. C. Sempronius Atratinus brings the whole Roman army in danger of being cut to pieces. An officer of horse named Tempanius succours the consul in time, and prevents the defeat. Tempanius, at his return to Rome, is raised to the tribuneship. He publicly undertakes the defence of Sempronius, and prevails upon his accuser to desist from the prosecution he had begun against him. Nevertheless, shortly afterwards that consular is condemned to a heavy fine through the cabals of some tribunes of the people, exasperated that in the election for quæstors, whose number was increased, the patricians had been preferred to the plebeians. The Æqui surprize the town of Vola. Posthumius is employed to drive them out of it again. He breaks his word with his soldiers, to whom he had promised the plunder of the town as soon as it should be taken. To make them amends, a tribune of the people demands, that a colony should be settled at Vola, composed of those very people that had helped to take the town. A haughty saying of Posthumius. He is killed by his own soldiers. Plebeian quæstors. The senate make

a decree

a decree that the soldiery, who till then had served at their own expence, shoud for the future be maintained by the republic; and that, in order to defray this charge an imposition should be laid, from which nobody shoud be excused. This senatus consultum is ratified by a plebiscitum, notwithstanding all the complaints and protestations of the tribunes.

THE two consuls prepared to march against the Sabines, the Æqui, and the Volsci.

But before they departed from Rome, they publickly exposed the last laws of the decemvirs engraved upon tables of brads. They then put themselves each at the head of his army. Both obtained compleat victories over the enemy. At their return they demanded to have solemn thanks paid to the gods, and then to be received at Rome in triumph. But most of the senators, who could not forgive them the partiality they had shewn to the people, took a secret delight in refusing them an honour which till then had always depended entirely upon the senate *. C. Claudius upbraided them with being accomplices in the death of his nephew Appius, whom the tribunes had strangled in prison before he was so much as heard in his defence. "Did you not solemnly promise us," said "he to them, that the abdication of the de- "cemvirs should be followed by a general par- "don? And yet no sooner had we obliged those "magistrates to depose themselves, but some "were murdered, and others constrained to ba- "nish themselves from their country to save their "lives. Appius, the head of the Claudian fa- "mily, the chief of the decemvirs, was strangled "in prison, without the least form of justice, and "without so much as being heard in the assembly "of the people; for fear that generous people,

* D. H. sub fin. l. 11.

" moved

" moved with the tears and with the desolation of
 " a family that has deserved so well of the re-
 " public should grant him a discharge. And our
 " consuls, the heads and protectors of the senate,
 " they who ought to expose their very lives for
 " the preservation of its dignity, have basely con-
 " nived at the murder of the unfortunate Appius,
 " and prosecuted no body for it."

The senate, exasperated against the consuls by the discourse of C. Claudius, declared them unworthy of the honours of triumph, and they were given to understand that it was enough they were not punished for their criminal intelligence with Appius's murders. Valerius and Horatius's provoked at so ignominious a refusal, carried their complaints before the assembly of the people, and the tribune Icilius thiere demanded the triumph in their behalf. Many senators went to the forum to prevent the effects of this cabal, and C. Claudius was one of them. Though he had always been averse to the government of the decemvirs, yet he could never pardon the two consuls for having delivered up his nephew to the fury of the tribunes. He told the people, with great courage and boldness, that it was never known they should take cognizance or decide about the honours of triumph; that it was a prerogative which belonged entirely to the senate, and that the republic would never be free and quiet any longer than while one order of the state forbore to incroach upon the rights and privileges of the other.

But notwithstanding the justice of these remonstrances *, the people decreed the triumph to the consuls: a new enterprize of the tribunes upon the senate's authority. They did not stop here. Those plebeian magistrates, who, by their good understanding with the two consuls, had an abso-

* Liv. Dec. 1. l. 3.

lute power in the commonwealth, resolved among themselves to make their government perpetual, and to continue the two consuls in their post : another conspiracy against the public liberty little different from that of the decemvirs. They covered their ambition with the pretence of the necessity there was of keeping in the same magistrates, at a time when the new laws were not yet solidly established. But to remove the suspicion that their aim was to make themselves sole masters of the government, they insinuated to the people, that they would also have them continue Valerius and Horatius in the consulate. By good fortune for the republic, there happened to be a tribune of so much moderation and ability as to bring this ambitious project to nothing. It was the same Duillius that had lately; by his authority, put a stop to the prosecution of his colleagues against the adherents of the decemvirs. He was to preside in the assembly to be held for the election of new tribunes. He represented to the two consuls that the people's liberty was gone, if the dignities of the republic were trusted above a year in the same hands. Valerius and Horatius gave him their word, that they would never accept of a continuance in the consulate. Duillius, to make the more sure of them, asked them publickly and in a full assembly what resolution they would take if the Roman people, in consideration of their good services in the restoration of their liberty, should think fit to continue them in their dignity. Both of them declared, that for the preservation of the same liberty they would refuse any prolongation of the sovereign power, as being contrary to the laws. Duillius having got this declaration from them, gave them praises for their disinterestedness, which were a kind of new tie upon them, and at the same time served to prejudice the people against the

Year of
Rome
305.

designs

designs of the other tribunes. Some days afterwards the assembly was held for the election of new consuls. Sp. Herminius and T. Virginius were raised to that office. They maintained peace and union in the commonwealth, by a prudent impartiality between the people and the senate. They then proceeded to the election of the tribunes. Duillius, as we have said before, presided in that assembly, and upon this occasion acted in concert with the senate. By means of their credit, and the union of their followers, five new tribunes were immediately chosen, in spite of the cabals of the old ones. These latter used all their endeavours to fill up at least the other five vacant places. Duillius still opposed it with great resolution; but as they on their side by their management hindered the new candidates from having the necessary number of voices, Duillius, to put an end to these contests referred the choice and nomination of the other five tribunes to the five already chosen, according to the direction of the law, which expressly provided, that, *if upon a day of election the full number of tribunes could not be chosen, those who were elected first should have power to name their colleagues.* He then dismissed the assembly, deposed himself, and the new tribunes entered upon the exercise of their dignity.

Their first business was to name their colleagues*, among whom every body was strangely surprised to see S. Tarpeius and A. Haterius, both patricians, old senators, and even consulars; which was directly contrary to the institution of the tribuneship, which admitted none but plebeians. There is no accounting for so extraordinary an event, unless we will look upon those two patricians as deserters from their order, that had got themselves adopted

* Livy, Dec. 1. l. 3.

into plebeian families to capacitate them to be raised to a magistracy which had the greatest share in the government. But this is only a conjecture; history gives us no authority for it. Livy on the contrary insinuates that the five first tribunes followed the intentions of the senate in the choice of their colleagues; and perhaps men of their prudence foreseeing what fatal consequences must follow to the public liberty, if the same tribunes were perpetuated in their office, privately joined with Duilius to get some patricians into the tribuneship, with intent to counterbalance the power of the plebeian tribunes by their authority, and in the election for the ensuing year keep them from renewing the proposal of continuing the tribunes in their posts; which was looked upon as a step to tyranny, and the destruction of the liberty of the republic.

L. Trebonius, one of the plebeian tribunes, who plainly found that his predecessor Duilius had dissolved the assembly, and referred to the first five tribunes the nomination of their colleagues, only to make way for introducing patricians into that college, made heavy complaints of it to the people. He gave himself intirely up, during the whole year, to cross those patrician tribunes in their functions, whence he acquired the surname of * Asper. And in order to prevent for the future, any tribunes that being gained over by the senate might do the like again, he proposed a law which he got passed, and which from his name was called the *Lex Trebonia*, by which it was ordain-ed, †, that the magistrate who proposed the election of tribunes to the people should be obliged to prosecute it in all the following assemblies, till the number of ten tribunes was compleated by the votes of the people. This decree took from the tribunes tha twere first chosen the right of naming their

* *Socr.*

† *Liv. I. 3. c. 65.*

colleagues

colleagues themselves, which the Romans in those days called *Cooptatio*.

M. Geganius and C. Julius succeeded L. Herminius and T. Virginius in the consulate.
Year of Rome Livy informs us, that after the extinction of the decemvirate, and the death or
 306. expulsion of the decemvirs, the republic

enjoyed a seeming tranquillity, and the union which appeared among the several orders of the state kept the neighbours of Rome in awe, and hindered them from renewing their usual incursions. But this calm did not hold long. The people fell again to complaining that the nobility, and especially the young patricians, treated them contemptuously. Their tribunes cited some of them before the assembly of the people into which they strove to bring the cognizance of all affairs whatsoever. The senate, to maintain their authority, opposed it stiffly; and though the wiser part of that body did not approve the haughty behaviour of the young nobility, yet they would not give them up to the persecution of the tribunes. This opposition, on account of the jurisdiction and privileges of each order, revived the old dissensions, which ran very high in the consulate of T.

Year of Rome Quintius and Agrippa Furius. It was still the same spring of animosity, which upon every occasion broke out afresh. Each 307. of those two orders could not bear the thoughts either of magistrates or authority in the contrary party. If the consuls were formidable to the people, the tribunes were odious no less to the patricians; and neither of those two bodies thought they could be free till they had pulled down the other.

The Aequi and Volsci, informed of these domestic contentions, thought it now their time to begin their old ravages, and took up arms. The

consuls on their side prepared to raise troops. But the people, at the instigation of seditious tribunes, refused to list themselves. The enemy, meeting with no obstacle, plundered the country, and carried their boldness so far as to bear off the cattle that were grazing near the Esquiline gate.

The two consuls, yet more provoked at the people's disobedience than at the audaciousness of the enemy, convened a general assembly. Quintius, a man illustrious for several victories, respected for the purity of his manners and the wisdom of his counsels, and who had been honoured with four consulates, arose, and courageously told both the senate and the people, that their eternal dissensions would at length occasion the total destruction of the republic. That the senate presuming too much upon their dignity and wealth would set no bounds to their authority, nor the people to an unbridled licence, which they cloathed with the name of liberty; and that each defended themselves against the injuries which they pretended to be done them, only by greater outrages. "One would think, continued that great man, that Rome holds within her walls two different nations contending with each other for the command. "When shall we see an end of this discord? "When shall we have one interest, and one common country? The enemies are at our gates; Esquiliæ was upon the very point of being surprised, and no body stands up to oppose them. "From the top of our walls we behold our country laid waste, and our houses in flames and smoaking all round us: and we see all this with a shameful indifference, nay perhaps with a secret pleasure, when the mischief falls upon the contrary party. What is there in the city sufficient to repair such losses? The senate indeed sees at its head consuls, and the prime magistrates of the republic; but those consuls, with-

" out forces and without authority, groan at the
 " people's insensibility to their country's glory.
 " That people on their part have tribunes; but
 " can those tribunes with all their harangues ever
 " restore them what they have lost? Extinguish, O
 " Romans, these fatal divisions; generously break
 " this cursed enchantment which keeps you buried
 " in a scandalous inaction. Open your eyes, and
 " consider the management of those ambitious men,
 " who to make themselves powerful in their party,
 " study nothing but how they may foment division
 " in the commonwealth. And if you yet can
 " call to mind your ancient valour, march out of
 " Rome with your consuls, and I devote my head
 " to the most cruel punishments, if in a few days
 " we do not drive away those that plunder our
 " lands, and remove the war into the very heart
 " of their country."

Never, says Livy *, were the people more pleased, even with the flattering speeches of a tribune, than they were with the severe reproaches of this generous consul. The senate was touched with them no less; the most virtuous men of that body confessed, that those who had preceded him in that dignity had either misused the people, to make themselves agreeable to the senate, or else betrayed the interests of their own body to win favour of the people; but that T. Quintius appeared to have nothing at all at heart but the union of all the orders, and the majesty of the Roman name.

The consuls and tribunes, the senate and people concurred unanimously in taking arms. The contention now was, which should appear most ready. All the youth offered themselves in crowds to be enlisted. The levies were quickly made; each cohort chose its officers, and two senators were set

* Dec. 1. l. 3. c. 69.

at their head ; and all this was done with so much diligence and expedition, that that very day the ensigns were taken out of the treasury and the army marched ten miles on their way. The consuls next day met and surprized the enemy. The fight however proved to be bloody; the *Aequi* and *Volsci* fought with great valour; the left wing of the Romans gave ground. *Furius Agrippa*, who led that body, finding the heat of his soldiers began to cool, snatched an ensign from an officer that bore it, and threw it into the middle of a cohort of the enemies. The Romans flew to recover it, and with the shock put the enemy into disorder, and gave the first turn to the battle. *Quintius* had been no less successful than his colleague. The *Aequi* and *Volsci*, beaten on both sides, retired into their camp. The consuls invested it, and forced it sword in hand. A great number of *Aequi* and *Volsci* were cut to pieces; the rest fled. The Romans, now left sole masters of the camp, found a great booty in it, and then returned to Rome laden with the enemy's spoils, and with those which they had got in the territory of Rome.

A victory so sudden made the people sensible of their own strength, and the need which the senate had of them: this made their ambition and their pretensions greater than ever. They grew every day more untractable and more enterprizing. Those who had acquired wealth, or distinguished themselves by their valour, demanded to have the law so injurious to the people for prohibiting all inter-marriage between them and patrician families abolished, as a remnant of the tyranny of the decemvirs. The tribunes ever turbulent, revived the affair of the partition of the lands; others publicly averred, that since laws had been established equal to all the citizens, the dignities ought also to be common to them all; and many of the heads of the people already set their eyes upon the

consulship itself, which till then had been reserved to the first order*. Nine of the tribunes proposed in a full assembly, that a new law should be made to admit plebeians into the consulship for the future. C. Canuleius at the same time demanded, that by a decree of the people the law in the twelve tables should be revoked, which forbade the patricians from intermarrying with plebeian families. M. Genutius and Caïus Curtius, who were consuls that year, tried to keep off these new proposals, under pretence they had received advice, that the *Æqui* and *Volsci* were preparing to renew the war. These foreign wars were the senate's usual expedients; and they hardly ever had peace with their own citizens, but when they had them out of Rome, and were fighting with the enemies of their country. The two consuls, in this view, order levies to be made, and proclaim that every man be ready with his arms. But Canuleius plainly saw the artifice. "Whether the news of this war be true, said he, directing his speech to the consuls, or whether it be only a false rumour spread abroad for nothing but a colour to draw the people out of the city: I declare, as tribune, that this people, who have already so often spilt their blood in our country's cause, is again ready to follow their consuls and their generals, if they are restored to their liberty, and to that natural right of being allowed to unite themselves with you by mutual alliances; and if the hope of honours, and the entrance into the chief dignities be open indifferently to all the citizens of merit. But if you persist in your resolution of maintaining the law of the decemvirs touching marriages; if you continue to treat us like strangers in our own country; if you account the people unworthy of your alliance, and if

* D. H. l. 11. Liv. l. 4.

" you

" you refuse them the privilege of raising to the
" consulate such as they judge most worthy with-
" out obliging them to confine their choice only to
" the senate; in a word, if you do not remove
" the distinction of nobles and plebeians, so odious
" in a commonwealth; and if there be any
" other nobility for the future, but what is due
" to virtue honoured with magistracies common to
" all the citizens: talk of wars as much as ever
" you please; paint the league and power of our
" enemies ten times more dreadful than you do
" now; order your tribunal, if you think fit, to
" be brought into the forum in order to make le-
" vies; I declare that this people whom you so
" much despise, and to whom you are neverthe-
" less obliged for all your victories, shall never
" more enlist themselves; not a man shall appear
" to take arms, and you shall never more find a
" plebeian that will expose his life for imperious
" masters, who are glad to associate us with them-
" selves in the dangers of war, but who in peace
" think to exclude us from the rewards due to
" valour, and from the sweetest fruits of vic-
" tory."

The consuls were the more alarmed at the tribune's boldness, because they durst not call the senate, in which the people had their declared favourers, who gave the tribune an account of every thing that past. So that those two magistrates were forced to hold particular councils with the senators of their party. They represented, that it was impossible to bear any longer with the enterprises of the tribunes, and that they must resolve either to suppress the senate or abolish that popular magistracy, the source of eternal contentions between the senate and the people. C. Claudius the decemvir's uncle, who had received from his ancestors, as it were by succession, an hereditary hatred to the faction of the people, spoke first,

and gave it as his opinion, that they should rather have recourse even to arms, than yield the dignity of the consulship to the people, and that without distinction either of private men or magistrates, they ought to treat as public enemies all that should go about to change the form of the government. But T. Quintius, who was more moderate, and who apprehended these contests might be inflamed into a civil war, remonstrated, that there were among the plebeians a great many officers of extraordinary merit, who had acquired great glory in the wars. That it was but reasonable to do something for so generous a people, and that it was indeed but common prudence in the senate to give up part of its prerogatives to save the rest.

The majority of the assembly declared themselves of his opinion. C. Claudius rising up again : “ I yield, said he, to plurality of voices ; but since “ you think it proper to admit plebeians into “ the government, let us endeavour to satisfy “ this restless people, without however debating “ the majesty of the consulship. And in order to “ reconcile two things that seem so opposite, I “ propose that instead of consuls, we elect such a “ number of military tribunes as shall be agreed “ upon *, to be chosen equally out of the senate “ and the people, who shall be invested with the “ consular power. The people by this means will “ be satisfied and the consulate in more favour- “ able times may resume its antient splendour and “ majesty.” Great praises were given to Claudius, and all joined in the proposal. Then that ancient senator, addressing his speech to M. Genutius, first consul : “ In order to succeed in this design, said he, “ vene the senate, send for the tribunes of the “ people ; and when the assembly is formed, de-

" declare that you invite all who love their country
 " to speak their minds freely with relation to the
 " new laws which the people demands. Then
 " gather the opinions ; and instead of beginning
 " with T. Quintius, myself or the most ancient
 " senators, according to custom, grant that ho-
 " nour to Valerius and Horatius, as you have a
 " right to do as consul : and by that means we
 " shall learn the sentiments of those favourers of
 " the people, who have sold their faith to the tri-
 " bunes. I then will stand up and answer what
 " they say, which I will do without sparing them,
 " and with all my might oppose the abolition of
 " the law of marriages and the election of a ple-
 " beian to be consul. Then ask the opinion of
 " your brother, T. Genucius, and let that wise
 " senator, under pretence of trying to reconcile
 " the different interests of the people, and the
 " senate, propose as of his own motion to suspend
 " the election of consuls, and in their stead to
 " create military tribunes, and let him include in
 " his advice the abolition of the law relating to
 " marriages. I will oppose this as much as the
 " other, but you and your colleague, and all you
 " the chief of the senate, out of seeming favour
 " to the people, shall declare for the advice of
 " your brother. The people shall be obliged to
 " your family for this concession, and the tribunes
 " will infallibly join in with you, if for nothing
 " but to triumph over my opposition.

All approved of this expedient *; each agreed upon the part he should act; the consuls assembled the senate, and desired Canuleius and the other tribunes to be at it. The assembly being formed, Canuleius, instead of laying forth the justice and usefulness of the laws he proposed, ran wholly into

* D. H. l. 11.

bitter complaints against the two consuls, for holding secret councils, in prejudice of the people's interests, without calling to them the best men in the senate; and especially Valerius and Horatius, who had done so great a service to the republic in the abolition of the decemvirate, which ought to be looked upon as their work.

The consul Genutius replied, that they had assembled some ancient senators, only to consult with them, whether it would be best to convene the senate instantly about the new laws, or to defer it to the end of the campaign. 'That if they did not summon Valerius and Horatius, with the oldest senators to that council, it was only to avoid making the people suspect they had changed their party.' " And to convince you, added Ge-
" nuius, that my colleague and I behave our-
" selves in this affair without the least partiality,
" we shall only give you this one prof of it, name-
" ly, that though the first opinions are usually of
" very great weight, and it has been the custom
" for the consuls to ask that of the oldest senators
" first, yet as you do not believe them to be
" friends to the people, we will now change that
" method, and begin with Valerius and Horatius" Then addressing himself to Valerius he invited him to declare his opinion.

Valerius first dwelt a great while upon his own services to the people, and those of his family. He added, that he thought no state could be called free whose citizens did not all live in a perfect equality. He concluded with giving it as his opinion, that the plebeians ought to be excluded from the consulate no longer: but at the same time he exhorted the tribunes of the people to desist from the opposition they had formed against the levy of troops, which the consuls wanted to make, provided those magistrates would engage to proceed to the publication of the laws at the end of

of the campaign. Horatius, whose opinion was asked next, spoke much to the same purpose: and he too declared for marching first against the enemy; but that after the war should be happily concluded, the consuls, the first thing they did, should bring into the assembly of the people the *senatus consultum*, for empowering them to deliberate an affair of that great importance.

This advice raised great murmurs in the assembly. The senators, who could not agree to admit plebeians into the consulate, thought they should gain a great point, if they could put off the deliberation. Those on the contrary who favoured the people, could not bear this delay, and maintained, that the *senatus consultum* ought at least to be signed before they separated.

The consuls then asked the opinion of C. Claudius, who, as they had before agreed, spoke with great courage and strength against these new pretensions of the people. He recalled the memory of all the various attempts they had made upon the senate's authority, ever since their retreat upon the Mons Sacer. "That restless and inconstant people, said he, would needs have their particular magistrates; and for the sake of peace we granted them tribunes. They then required decemvirs, and we consented also to their creation. They soon grew disgusted with those magistrates, and out of regard to them we subscribed to their deposal. Nay, we did more; for the sake of peace we connived at the violent deaths of some of them, and the banishment of others. Lastly, in these our days we have seen two of our consuls, more popular than the very tribunes themselves, sacrifice the interests of their own order to the people's ambition. From sovereign magistrates that we were before, from having none but the gods and our consuls above us, we have been made subject to the tyranny of the tribunes.

" tribunes, Our councils, our deliberations, nay
 " even our lives and our private estates depend
 " upon their will; and those plebeian magistrates
 " dispose of them as they think fit in those tu-
 " multuous assemblies where passion and fury have
 " a greater sway than reason and justice. Nor do
 " they stop here; C. Canuleius is now for uniting,
 " by a shameful mixture, the illustrious blood of
 " the nobility with that of the plebeians. If he
 " brings this about, those who are born of mar-
 " riages so contrary to our laws, always in dis-
 " pute with themselves, will hardly know from
 " what families they descend, what sacrifices they
 " ought to join in, and whether they are of the
 " body of the people or patricians. And as if it
 " was not enough to confound all distinction of
 " birth, and to break thro' all rights both divine and
 " human, the colleagues of Canuleius, the tri-
 " bunes, those disturbers of the public quiet, have
 " the boldness to lift their eyes to the very consul-
 " ship itself. We are now just on the point of
 " seeing that great dignity fall a prey to the Canu-
 " leii and the Icili. But let those new men be af-
 " furd, added Claudius, that the gods, protectors
 " of this empire, will never suffer it; and ha! we
 " ourselves will rather die a thousand deaths, than
 " bear so great an infamy."

Canuleius, naturally impatient, interrupted him, and asked him abruptly, wherein the gods would be offended if plebeians, possessed of all the qualifications necessary for government, were chosen consuls. "Can you then be so learned, replied "Claudius, that the plebeians have no auspices, "and cannot take them? Do you not know that "this was one of the reasons which induced "the decemvirs to forbid all unequal alliances "by the laws of the twelve tables, that the "auspices might be taken only by patricians, "whose birth should be pure and without mix-

"ture;

"ture; so that the priesthood and the consulship
"are equally restrained to that order?"

This answer was solid, and built upon the original establishment of their religion and laws. But it only served to exasperate the people against Claudius; as if that senator by such reasons meant to reproach them, that they were not acceptable to the Gods, and were unworthy, through the baseness of their birth, to be initiated into their mysteries.

The consuls, to prevent the bitterness which began to spread through the minds of the assembly, asked the opinion of T. Genutius, the brother of one of those magistrates. That senator declared, that he with the greatest concern beheld the commonwealth afflicted with two scourges at the same time enough to destroy it utterly; namely, a war abroad, and domestic feuds within the state: That each of those evils called for a speedy remedy, but that it was so much the more difficult to find it, as the people's discontent kept up the enemy's confidence. Nevertheless, that it was absolutely necessary to resolve upon something, and to chuse whether to bear the insults of the *Æqui* and *Volsci*, or if they would march into the field to grant some satisfaction to the people. That his advice was, rather to yield up some part of the prerogatives of the nobility in their favour, than to abandon the territory of Rome, to be plundered by strangers. And he concluded, according to his private agreement with the consuls and Claudius, that the law forbidding alliances between patrician and plebeian families ought to be abolished, as being contrary to the union which ought to be maintained between the citizens of the same republic. He added, that, if the ancient senators were so averse to the thoughts of seeing the consular dignity in the hands of plebeians, a medium might be found which perhaps might satisfy both parties. That the way would be to suspend for a time the election and title of that dignity

dignity, and to create in the room of consuls six military tribunes, who should have the same functions and the same authority, and that the three first should always be patricians, and the other three might be plebeians. That the year following the senate and people might decide by plurality of voices in a general assembly, what magistrates they would be governed by, and whether they would have consuls again as of old, or continue to elect military tribunes: which for the future should be done in all the comitia *.

This proposal was approved by plurality of voices, in spite of the seeming opposition of Claudius. T. Genutius had the praises both of the senate and the people for this happy thought; the senators were glad to have excluded the plebeians from a dignity which they hoped to set up again with all its prerogatives in more favourable times; and the people, without disturbing themselves about an empty name, could not contain their joy at seeing themselves at length admitted into the government of the commonwealth under any title whatsoever. Most of them cried they would now no longer refuse to march against the enemy; that they would willingly expose themselves to the danger, since they were to have a share in the reward.

Some days afterwards an assembly was held for the election of these new magistrates. Some former tribunes of the people, and the chief plebeians, hoping to carry those dignities, appeared in the forum cloathed in white, to be the more remarkable; but the people, satisfied with having obtained a right

Year of Rome, to set up in those elections, gave all their votes to patricians. Nay, and but three military tribunes were chosen, and the majority of voices fell upon A. Sempronius Atratinus, L. Attilius, and T. Cecilius or

* Liv. 1. 4. D. H. 1. 11. Zonaras.

Clælius, all three patricians, and eminent for their valour and capacity in the art of war *.

But these three magistrates were obliged to depose themselves three months after their election, upon account that C. Curtius, who presided in it, gave notice, that the ceremonies of the auspices, which always used to precede the elections for curule magistracies, had not been exactly observed. The Romans were very scrupulous in the least circumstances that concerned their religion ; but perhaps the patricians created this doubt only in order to restore the consular office. And accordingly, the military tribunes had no sooner abdicated their new dignity, than an inter-rex was named, that the commonwealth might not remain without a head or governor †. But as he held the government only in trust, and in order to transfer the authority to annual magistrates, the main question was whether those magistrates should be consuls or military tribunes ; the most ancient senators failed not to declare for the consulship ; the people on the contrary seemed inclined to military tribunes. But a jealousy arising among the candidates of this last order, those whose party was not strong enough to raise them to that post, chose rather to have the consulship restored, than to see their rivals invested with a dignity which they themselves could not obtain ; and thus by the joint consent of the senate and people, the inter-rex appointed consuls, and named to fill that post the remaining part of the year, L. Papirius Mugillanus, and L. Sempronius Atratinus, brother to one of the patricians that had abdicated the tribuneship, as we said above.

*Year of
Rome,
309.*

Nothing considerable happened in their consulate ; but in the following, and that of M. Geganius

*Year of Rome,
310, or 311.*

* D. H. I. 11.

† T. Quintius Barbatus.

and T. Quintius, the censorship was erected; a new office, or rather only a portion taken out of the consulship. And this new dignity of censor, which at first seemed of but little moment; became in time by the power annexed to it, the pinnacle of honour, and the most formidable magistracy in the republic.

As a spirit of conquest was what chiefly prevailed in this nation, the ancient king Servius, in order to have a sure supply of men and money, decreed, as we have already shewn, that every five years an enumeration shoule be made of all the Roman citizens, with an exact valuation of every man's wealth. The prince or magistrate by this means could know immediately how many inhabitants Rome had capable of bearing arms, and what contribution might be raised upon them.

But the consuls, who were frequently taken up abroad with almost continual wars, not having had leisure in above seventeen years to make that enumeration which was called the *census*, it was proposed for the ease of the consuls, that two magistrates should be created of the order of the patricians, who, with the title of *censors*, should every five years take that general review of the whole Roman people.

The tribunes, though always upon their guard against every thing offered by the senate, did not oppose the establishment of this new magistracy. They did not so much as demand that the plebeians should be allowed a share in it; whether, because they saw, that the power which went along with the censorship was but small, or because they were satisfied that by separating those functions from the consulate, a diminution was made of the power, of a magistracy, which was the object of their hatred and emulation. Thus the law for the creation of two censors passed without contention.

Papirius

Papirius and Sempronius, the consuls of the preceding year, were raised to that post, and it was conferred upon them with one voice *, to make them amends for the year of their consulates not being compleat, because they did not enter upon the execution of it till after the abdication of the military tribunes.

While the consuls had the charge of that cumeration, all their business in that article was only to take an exact account of the names, estates, ages, and conditions of all the masters of families, and the name and age of their children and slaves. But when this part of the magistracy was dismembered from the consulship, and made a dignity by itself, as men generally study nothing but how to enlarge their own authority, the censors took upon them the reformation of manners †. They took cognizance of the behaviour of every citizen; the senators and knights were subject to their censure as much as the meanest of the people; they had power to expel out of those bodies such as they thought unworthy of being in them. As to such plebeians as through their debauchery or laziness were fallen to want, they removed them down to an inferior class, nay oftentimes deprived them of their right of voting, and they were no longer reputed citizens but as they were still liable to pay their part of the tributes.

When the censors made their general review of the whole nation, there was not a citizen, but what trembled at the sight of their tribunal; the senator, through fear of being driven out of the senate; the knight, with apprehension of being broke and deprived of the horse which the republic kept for him; and the private citizen, with dread of being expunged out of his class, and removed down to

* Liv. Dec. 1. l. 3.

† Val. Max. 1. 2. c. 9.

the lowest, or at least into a century less honourable than his own. So that this wholesome terror was the support of the sumptuary laws, the bond of concord, and as it were the guardian of modesty and virtue.

Year of Rome 311. The republic, by means of this new establishment, enjoyed a profound repose in the consulate of M. Fabius and Posthumus Albutius. Not but that some tribunes of the people, always restless, endeavoured to revive the old pretensions of the people, relating to the partition of the lands: They even threatened, according to their old custom, to oppose raising any soldiers. But as there were no wars then to be carried on, an opposition which peace made useless and ineffectual was only despised; and the senate's authority grew so much the stronger as they could then do without the people's assistance.

Year of Rome 313. All was quiet, when the next year in the consulate of Proculus Geganius, and L. Menenius, there happened a dreadful famine, which occasioned seditions, by means whereof a private man had like to have got possession of the sovereign power. The senate imputed this scarcity of corn to the laziness and negligence of the plebeians, who, intoxicated with the seditious harangus of the tribunes, were always sauntering in the forum, and instead of cultivating their lands, wasted their time in idle reasonings about state affairs. The people on the contrary, who always grumble at those who have the care of the government, threw back the whole blame of his dearth upon want of care in the consuls. But these magistrates, without giving any heed to the murmurs of the multitude, took all convenient measures to get corn from abroad

broad *, and sent C. Minutius upon that commission.

That senator, who was an active vigilant man, sent commissioners all over Tuscany ; but with all their diligence he could gather but a small quantity of corn. A Roman knight, whose name was Sp. Melius, the richest private man in the commonwealth, had been beforehand with him at the markets, and had bought up most of the grain in that province.

That knight, who was yet more ambitious than he was rich, flattered himself, that in so general a calamity, the people would sell their liberty at an easy rate. Corn was every day distributed by his order among the common people and the poor ; and with a liberality always suspicious, and especially in a commonwealth, he made all those his creatures whom he fed at his own expence ; his house quickly became the place of refuge for the poor, the idle, those that had ruined themselves by debauchery, and such as being destitute of all notions of honour or religion, would gladly see the government quite subverted, provided they could but any way better their own circumstances in the change.

Minutius, whose commission frequently obliged him, either by himself or his agents, to have some intercourse with the emissaries of Melius, found out, that that ambitious man, who alone sustained as many poor as the whole state, made use of the pretence of that public liberality, which drew crowds of people to his gate, to form assemblies in his house ; nay some, whom Minutius had probably gained, brought him information, that a great quantity of arms used to be carried thither by night.

* Liv. I. 4. D. Aug. de Civ. Dei. I. 3. c. 17.

He afterwards learnt that there was a conspiracy laid to change the form of the government; that the design was already concerted; that Melius pretended to be sovereign; that the people, seduced by his liberalities, were to take up arms in his favour; and that even some tribunes were prevailed upon by money to sell the public liberty.

Miqutius having discovered the whole secret of this conspiracy, immediately gave an account of it to the senate. Heavy reproaches were thrown up-

Year of Rome 34. on the consuls of the preceding year, and Quintius Agrippa Menenius, who succeeded them in that dignity, for not having prevented and punished the ill designs of Melius. Quintius replied, that neither his predecessors, his colleagues, nor himself wanted either courage or resolution to punish so horrid an attempt; but that every body knew the consular authority was in a manner annihilated by the excessive power usurped by the tribunes; that an appeal to the people would put a stop to all their prosecutions, and that if ever the business was brought before an assembly, Melius would infallibly escape from justice, by favour of the multitude that adored him. That in the present danger of the republic they stood in need of a dictator, that is to say of an absolute magistrate that should be equally above the laws, and the tribunes of the people.

His advice being unanimously approved, he named L. Quintius, who notwithstanding his great age was still master of a courage and resolution, proportionable to that supreme magistracy.

The next day he placed courts of guard in all parts of the city as if the enemy had already been at the gates of Rome. This precaution surprised all that knew nothing of the conspiracy; every body enquired the reason of this novelty, and why a dictator

a dictator should be named in the midst of peace. But Melius plainly saw, that supreme magistrate was set up only against him ; he doubled his liberalities, to strengthen himself against the senate with the assistance of the multitude. The dictator finding that nothing but a stroke of authority would crush so dangerous a plot, caused the tribunal to be brought into the forum, and ascended it, guarded by his lictors, armed with their axes, and with all the majesty of the sovereign power. He then sent Servilius, his master of the horse, to cite Melius to appear before him. Melius, surprised and uncertain what course to take, delayed to obey, and sought to make his escape. Servilius commanded a lictor to arrest him ; and that officer having executed the orders of the general of the horse, Melius cries out, that the senate wanted to destroy him only out of jealousy, and because he had consecrated his estate to the relief of the people ; he therefore implores the assistance of the multitude, and conjures his friends not to suffer him to be murdered in their presence. The people rise ; they encourage one another, and rescue him out of the lictor's hands. Melius threw himself into the crowd to escape Servilius's pursuit ; but as he was endeavouring to stir up a sedition, Servilius ran him through with his sword * ; and all covered with his blood, appeared before the dictator, and told him, he himself had punished a citizen who had refused to obey his orders.

" I expected no less from you, replied that generous old man ; you have by this action cured the public liberty." He then caused Melius's house to be razed to the ground ; prodigious quantities of corn were found there still, which the dictator ordered to be sold to the people at low rates, that they might not feel the loss of Melius.

* Liv. l. 4. Florus, Zonaras,

It was for the same reason, that the head of the conspiracy being taken off, that prudent magistrate did not think it proper to enquire after his adherents, for fear he should find too many guilty, and so fling the design into action by going about to punish all the conspirators too severely.

But the tribunes of the people, imagining their crime was unknown because it was unpunished, took occasion from the dictator's indulgence to fall into invectives against him; and especially against the general of the horse, who without the least formality of justice, or so much as the order of his superior, had killed a citizen in the very heart of his country. Those magistrates loudly threatened to make him answer severely for it, as soon as ever the dictator was out of his post; they talked of no less than throwing him down from the top of the Tarpeian rock as a tyrant. Never was the college of tribunes known to be so thoroughly provoked against the senate; they obstinately opposed the election of consuls: and the patricians to avoid a tumult were forced to be satisfied with creating only military tribunes.

Some tribunes of the people flattered themselves, that they should have a great sway in this election; but notwithstanding all their cabals, the Year of Rome 315. people, contented with being allowed to stand candidates, gave all their votes to patricians of known valour and capacity, among whom was L. Quintius the son of the dictator who had just taken off Melius.

The wars which arose against the Veientes and Volsci suspended the rancour of the tribunes against Servilius; nothing was thought of but how to deal with the enemy; and a rumour being spread abroad, that all the nations of Tuscany were to take arms in favour of the Veientes, Marcus Æmilius, a man illustrious both in peace and

and war, was raised to the dictatorship, a dignity which he had already enjoyed, and in which he had acquired great glory against the same enemies. But the news of this dreadful league proving false, Æmilius finding himself deceived in his hopes of signalizing his second dictatorship by a new victory, was resolved however to leave some monument of his zeal for the public liberty.. He observed to the people in a general assembly, that their ancestors, in order to preserve their freedom, had established in the republic no office whose authority and functions should last for above a year ; that they had not remembered so wise a precaution in the creation of the censors, who had been allowed a five years magistracy ; that during an authority of so long continuance, they might have leiture to abuse it, to make themselves creatures, and so oppress the liberty of their country ; and he proposed to make a law for shortening the duration of that office, and for regulating that none should enjoy it above a year and an half.

This discourse was received with great applause*, especially by the people. It was added afterwards to this law, that no senator should ever have the censorship twice in his life, though he had behaved himself in his first with the approbation of his fellow-citizens ; and for fear that dignity being left in the hands of one single man should make him too powerful, it was farther decreed, that if one of the censors happened to die or resign his office, the other should not hold it, nor even get a colleague substituted in the other's room ; and that in the election of censors, though a man had the majority of voices, he should not be declared censor, if his colleague wanted the necessary number ; that the election of both should be begun again, till in the same scrutiny they had all the votes requisite to

* Liv. 1. 4.

their being both acknowledged censors together: precautions which this nation so jealous of its liberty thought necessary to take against the brigues and cabals of the patricians.

The senate could not without a secret discontent bear to see the dictator lessen the power of a magistracy peculiar to their order. C. Furius and M. Geganius, the censors that year, shewed their resentment of this injury, without regard to the merit and services of Æmilius. That dictator had no sooner abdicated his dignity, but in virtue of the power belonging to the censorship, they cut so illustrious a man out of his tribe, and removed him down to the last; took from him, as from a scandalous wretch, the privilege of voting, and loaded him with a tribute eight times greater than he used to pay. But this persecution, instead of dishonouring him, gave him a new lustre; all the shame of this revenge fell back upon the authors: the people with indignation pursued them into the forum, and had torn them to pieces, if Æmilius had not been so generous as to save them.

The tribunes of the people laid hold of this occasion to stir up the people's animosity against the senate afresh. They cried in all the assemblies, that it was no wonder the patricians should use the people ill, when out of their hatred to the plebeians they did not blush at depriving a senator, a consular, one that had been honoured with two dictatorships, of the right of a citizen, only for having proposed a law, which, though it diminished their authority, secured the public liberty. Such discourses, repeated by the tribunes in most of the assemblies, kept up the rancor in the spirits of the people, who, to shew their resentment against the senate, would never give their consent to the election of consuls; they were again obliged to chuse military tribunes: it was indeed the same dignity and the same office, though with a different title;

but

but the privilege which the people had of rejecting the consulate, and the liberty they were allowed of standing candidates in the elections for the military tribuneship, made the tribunes of the people, who aspired to that post, forget nothing that might induce the people to demand military tribunes; nevertheless, in spite of all their interest, the people, still prepossessed in favour of the nobility, as to their capacity in government, and the command of armies, gave their voices again to patricians.

*Year of
Rome,
320, and
321.*

This preference turned the complaints and resentment of the tribunes of the people wholly against the multitude; they publicly threatened them, that they would fling up the care of their interests. "Will the fear you are under of the power of the nobles," said they in their harangues, "keep you in a perpetual subjection to their will? In the election of military tribunes, when you are free to give your votes how you please, why do you never remember, neither yourselves, nor your magistrates? Know that there ought to be great rewards to encourage great souls. And, if motives of gratitude will have no effect upon you, at least be afraid, that, disheartened by your indifference, we should in our turn leave you a prey to the insolence and tyranny of the patricians."

These discourses, which the tribunes of the people repeated in all their assemblies, awakened the antipathy and ambition of the plebeians. Each mutually exhorted the other to despise the intreaties and threats of the great. They began now afresh to talk of the division of the lands, the everlasting source of contention between the people and the senate. Others proposed, that a tax should be laid at least upon those lands, which of right belonged to the public, and the money be employed for the relief of the people, and to pay the troops during the

the campaign. Those among the plebeians, who were eminent either for their riches or the glory they had acquired in the wars, resolved to use their whole credit to raise themselves to the military tribuneship, and to the supreme authority which was assigned to that dignity. The senate, to disperse this storm which was gathering against their authority, resolved now to chuse none but consuls: an office from which the plebeians were excluded of course, as we have said before. The wars which the *Aequi* and the *Volsci* then declared favoured this design. As there were then no plebeians who had ever commanded armies, and none but old captains and the chief men of the senate were fit for that employment, the people were indifferent, whether consuls or military tribunes were chosen this year. Thus the senate being left masters of the election, it was soon resolved to restore the consulship, and T. Quintius the son of Lucius, and C. Julius Mento, attained that dignity. A better choice could not have been made, with respect either to birth or capacity in the art of war. But jealousy and division arising between them, it is said they were beaten near Algidum. The senate, to prevent the consequences of their defeat, were resolved to have recourse to a dictator. But the two consuls, on whom the nomination of him depended, considering that, from supreme magistrates, which they were now, they should be reduced to the mean quality of the dictator's lieutenants, and that, though they retained the name of consuls, they should have but little more authority than the general of the horse; those two magistrates, though they differed in all other respects, united to cross a nomination which they looked upon as the destruction of their own authority. And, though news came upon news of the success of the enemies arms, they could never be prevailed upon to name a dictator.

The senate, not able to overcome their obstinacy, had recourse to an expedient more pernicious in its consequences than the very evil they intended to redress *. Q. Servilius Priscus, a consular person turning to the tribunes of the people who were then in the senate, exhorted them to get the people to interpose their authority, of which they were in a manner the guardians, to oblige the consuls to name a dictator. Those plebeian magistrates joyfully laid hold of so fair an occasion, to raise their own authority upon the ruin of that of the senate and consuls. They even did more than was required of them, as those generally do who intend to extend their power beyond its due limits; and instead of carrying this affair before an assembly of the people, they presumed in the very senate to order the two consuls to be led to prison, if they did not immediately name a dictator. Those two magistrates submitted, upon the terror of imprisonment; they promised to name a dictator; but they complained that the senate itself had debased the consular power, by subjecting it to the imperious yoke of the tribunes. It is certain, that chief body of the republic being exasperated against their heads, and minding nothing but to vanquish their obstinacy, were not then sensible of the breach they had made in their own authority. At length, after a great many disputes between the two consuls about the choice of a dictator, they referred the decision of it to chance, which proved favourable to T. Quintius; and he named his father-in-law Tubertus.

The dictator immediately listed all those that were to serve, without giving ear in the least either to complaints or excuses. He was an old captain of great valour and experience; but naturally se-

* Liv. l. 4.

vere and even cruel in his government. The power of life and death, which the dictatorship gave him, and the knowledge of his stern disposition, made every body run obediently to take their place under his ensigns. He soon marched forth of Rome, sought out the enemy, defeated them in a bloody engagement *, took their camp, and led back his army victorious to Rome.

The republic for some time after this enjoyed a profound peace. But a calamity more grievous than war fell upon Rome, and almost upon all Italy. An extreme drought occasioned a famine, which was followed by a dreadful plague, Year of that spared neither man nor beast. The Romans, naturally superstitious, after having 325. in vain exhausted all the application of medicine, had recourse to supernatural aids †. A foreign worship was introduced into the city; the temples and the very streets were crowded with people, sacrificing to deities unknown: and they were not ashamed, in order to conjure away the distemper, to apply to charms, and all those idle superstitions, which the weakness of man has found out. The senate, who were well apprised of the danger of innovations in religion, ordered the ædiles to put a stop to this disorder; and it was forbid by a public edict, to practise any ceremony which was not lawfully admitted into the commonwealth.

This calamity being over, they proceeded to the election of new magistrates; and the people prevailed to have military tribunes chosen Year of with the consular power. But this alteration in the government was not fortunate. The war breaking out afresh 327. with the Veientes, the tribunes not very

* Diodor, l. 12. † Liv. l. 4. 12. Tabularum Leges.

well united among themselves, were defeated, which made it necessary to create a dictator. C. Mamercus Æmilius was pitched upon to fill that eminent dignity. His merit, and the necessities of the state, obliged the Romans to trust the fortune of the republic in the hands of a man, whom the censors, as we heard before, did not blush to degrade from his tribe, and to brand as unworthy of the privileges of a Roman citizen. The success of this war was answerable to the confidence which the Roman people had in their general. Mamercus Æmilius in less than sixteen days cut part of the enemy's army to pieces, made a great number of prisoners, who either served as a reward to the soldiers, or were sold for slaves to the profit of the public treasury *. The dictator, after a solemn triumph, resigned his office, and made it a question whether his moderation was not yet greater than his valour.

These continual victories of the Romans only served to swell the minds, and increase the ambition of the prime men among the people. They would not hear any more of electing consuls, because they were excluded from the consulate, and allowed to put up for the tribunitian office. Thus, in spite of all the senate could do, they were obliged to comply with chusing four military tribunes. But notwithstanding all the endeavours which the tribunes of the people used, to come in for their share in this election, they had again the mortification to see the patricians run away with all the votes. It is impossible to express the rage and indignation of those plebeian magistrates. They declared publicly, that it was better to abolish the law, which gave the people leave to aspire to the post of military tribune, than to see it thus evaded in all the elec-

*Year of
Rome,
327.*

* Liv. l. 4. Flor. l. 1. c. 12. Oros. l. 2. c. 13.

tions by the cabals of the patricians ; and that it would be less shame to their order, to be wholly excluded from it, as they were from the consulsip, than to have the privilege of standing candidates, and to be rejected upon the election, as incapable or unworthy of that honour. They fell into complaints against the people themselves ; they threatened wholly to throw up the care of their interests ; and, as if they had a mind in revenge to turn the commonwealth quite topsy-turvy, some proposed to carry part of the people into new colonies, others revived the old pretensions relating to the division of the lands. There were some demanded, that no citizen should be obliged to go to the war, unless a regular pay was allowed him. In a word, there was nothing which those seditious magistrates forgot to trump up, that might either revenge them of the nobility, or bring the people, by the hopes of those innovations, to raise them by their voices to the dignity of military tribunes.

The patricians, who were then actually in possession of that office, and thought it a shame to have plebeians for their successors, privately agreed with the senate to draw out of Rome the chief of the people, and especially those that aspired to the military tribuneship, upon pretence of making an incursion into the lands of the Volsci, who, they gave out, were making a powerful armament, and, during their absence, instead of military tribunes, it was resolved to chuse only consuls. Those magistrates, before they left the city, gave the care of the government, and of presiding in the election, to Appius Claudius, their colleague, the son of the decemvir, a young man, fierce, bold, enterprizing, and educated from his very cradle in an hereditary aversion to the people's power. He no sooner saw the tribunes, and most of the plebeians gone into the field, but he proceeded to the election of consuls, C. Sempronius Atratinus, and C. Fabius Vibulanus

Vibulanus were chosen to fill that dignity. And the people and their tribunes at their return found the election of those magistrates too strongly settled to think of reversing it. They turned their resentment against the consuls themselves, and endeavoured afterwards to charge as a crime upon Sempronius the ill success he had during his consulate in the war against the Volsci.

That warlike nation, who had long fought with the Romans for empire and dominion, did this year make as it were a final push to avoid receiving the yoke of their old enemies. The Volscian magistrates raised a great number of troops, made choice of excellent generals, and omitted none of those wise precautions, which may be looked upon as the surest tokens of good success. Rome sent against them her first consul Sempronius, a man full of valour, popular and familiar to the soldier, who adored him, but one that was more a soldier himself than a captain, and that made war as if courage alone were sufficient to supply all the duties of a general. He advanced towards the enemies as if he had been going to a certain victory, and marched on with a security ever dangerous. The two armies soon came in view of each other: The Volsci had taken all the advantages that the situation of the place would afford them. Sempronius on the contrary, who despised enemies that they had so often vanquished, neglected all those useful precautions; and as if he had been sure of winning the victory only with his infantry, he left his horse in a place where he could receive no manner of assistance from them. The fight began with equal fury on both sides. The Romans, though in disorder, advanced daringly, and charged the enemies with their accustomed valour. But as they fought with more fire than order, and the Volsci on the contrary drawn together in firm and close battalions,

talions, defended themselves with great courage, fortune began to declare for the side where there was most discipline. The Volsci, led by an experienced general, press on briskly and break the legions. The Roman soldier surprised, instead of offending, thinks only how he may avoid the attack of the enemy. They insensibly give back, the confusion increases, and at last they lose ground apace. The consul perceiving it, hastens where there is most danger. He fights with his own hand, and tries to animate his soldiers by his example and reproaches, but in vain. He calls and threatens; no body hears either his voice or his orders; and the soldier terrified, shews that he fears nothing but the enemy and death. At length all the legions fall entirely into confusion and disorder, and the battle had been quite lost if Sex. Tempanius, an old captain of horse, had not proposed to the other officers of the same body to dismount and throw themselves in the front of the legions to bear the shock of the enemy.

Sempronius, who, as we said before, had flattered himself that he should be able to defeat them only with his foot, had left his horse in a place hemmed in with bogs, where it was impossible for them to fight. Tempanius perceiving this fault, and the disorder the legions were put into, leaped to the ground with all his comrades, and addressing himself to them *; *Follow my lance*, said he, *as if it were a standard; and let us shew the enemy that as well on foot as on horseback nothing can withstand us.* That whole body of horse dismounted after his example, and followed him. Tempanius at the head of this new infantry marches strait against the enemy and restores the fight; he pushes all that he meets. The legions at the sight of this succour resume courage, and the battle is renewed with

* Val. Max. i. 3. c. 2. Id. i. 6. c. 5.

fresh

fresh fury. The general of the Volsci could not conceive whence this new body of infantry should come. But as he found himself press'd by them, he sent orders to his troops to open their ranks, and give passage to the body which Tempanius commanded; and then to close their battalions again in order to separate those new troops from the legions. The Volsci, in execution of his orders, give back seem to retreat; divide, and give passage to Tempanius and his troop; who, carried on by the heat of their courage, and imagining they were following victory and a routed enemy, rushed still forwards. But it was not long ere they found that they were cut off from their fellows by some of the enemy's battalions which were closed again, and had posted themselves between them and the Roman army. Tempanius did his utmost to cut his way back through them and rejoin the consul; but he could not break their order. In this extremity he spied an eminence which he presently got possession of.

The Volsci, fancying it was impossible he should escape them, immediately assail him. Tempanius defends himself with invincible bravery; and this diversion saves the consul's army. The legions, now more slackly press'd, rally again, return to the charge, and the consul at their head strives with surprising valour to rescue and join Tempanius. The Volsci stand immoveable every where; and though they lost abundance of men in this last action they chuse rather to be killed than to fly. None give ground; the living soldier steps into the place of the dead, and defends it with the same intrepidity; nor could the Romans break so strong a bulwark, nor pierce one battalion. They fought far into the night, without either general's being able to perceive on which side lay the advantage, and nothing but weariness and want of light parted the two armies.

Sempronius

Sempronius and the general of the Volsci uncertain of the success of the battle, and both equally apprehensive of being obliged to renew the fight again next morning, left the field of battle as it were by consent; and not thinking themselves safe even in their camp, retired with precipitation. After they had marched all night each towards their own country with equal terror, they intrenched themselves with as much haste and care as if they had still been in sight of each other.

Tempanius *, who doubted not but the enemy would attack him again as soon as ever the darkness was dispelled, was very much surprised when at day-break he saw neither friends nor enemies. He could not imagine what should become of two great armies, who, but a few hours before, stretched over the whole plain. He first sent out to view the Volscian camp, and then that of the Romans. Not a man was to be found in either, except a few wounded persons that were not able to follow the main body of the army. Tempanius was desirous of being himself an eye-witness of so strange an event; and after having taken the necessary precautions to secure himself from being surprised, he visited the two camps, and found in each an equal solitude. Thence he went out to the field of battle, which offered nothing to his view but the dead and the dying, and that dismal image which is left in such a place the day after a battle. At length hearing no news of the consul's army, and fearing to be surrounded again by that of the Volsci, he took up the Roman soldiers that were wounded, and with them resumed the way to Rome. He was received there with the greatest joy and surprise; was given over for lost with all his comrades. Some that fled and were got to Rome before him, and had seen him cut off from the army and surround-

* Livy l. 4.

ed by the enemy's, had not failed to give out that the whole body of horse was cut to pieces. The return of Tempanius and his comrades dispersed those false rumours. But the tribunes of the people were resolved not to lose so favourable an opportunity of destroying the consul. The people were actually assembled when Tempanius arrived at Rome. They obliged him to appear in the assembly before he set foot in his own house; and Cn. Julius, one of those plebeian magistrates, asked him aloud, whether he thought Sempronius was fit to command the armies of the Roman people; whether he had found in the last engagement that he had disposed his troops like an experienced general; what was become of him since the battle, and where the army was that he commanded. *I expect, added that tribune, that you would answer directly, and without any evasions, to all these particulars; inform us what is become of our legions; whether they have abandoned you, or you deserted them; and lastly, whether we are vanquished or victors.* Tempanius, without going about to make his own advantage of Sempronius's disgrace, answered the tribune, that it did not become a private officer to pretend to judge of the capacity of his general; and that the people had given their opinion of it when they chose him consul. That he had seen him fight at the head of the legions with invincible bravery, and that he exposed his own person in all the places where there was most danger. That the great distance between them after their separation, and the confusion which always happens in so obstinate a fight, had kept him from knowing every thing that passed where the consul was engaged; but that he could however assure them, by what had appeared to him in the field of battle, that the Volsci had not lost fewer men than the Romans: and that as upon his separation from the main body of the legions, he had been so fortunate as to get possession of an eminence,

eminence, on which, notwithstanding all the assaults of the adversary, he had preserved those that were trusted to his command; so he presumed the consul, in that general disorder, had gained the mountains, and there intrenched himself. Tempanius then desired leave to retire, in order to get the wounds dress'd which he had received in the fight. The whole assembly gave yet greater praises to the discretion and modesty of his answer, than to the valour and good conduct with which he had fought against the enemies of his country.

The people, in reward of his services, chose him tribune some time afterwards, together with three other officers that had distinguished themselves in the same manner. In this post he gave new proofs

of the generosity of his soul. For L. Year of Hortensius, one of his colleagues, having Rome, cited Sempronius, after the year of his 331. consulate was expired, to answer before the assembly of the people for his conduct in the last battle, Tempanius and his three colleagues resolutely undertook his defence, and intreated Hortensius not to persecute a brave general, who had only been unfortunate upon this occasion. But if I shew you, replied Hortensius, that this patrician, whose valour you so highly praise, is the only cause of our defeat, will you oppose the justice he deserves? Will you destroy the power of the tribuneship; and turn against the people themselves the very authority which you hold only from their favour? Tempanius and his colleagues answered him with great moderation, that they owned the people had an absolute power over all that bore the name of Roman citizens; that they paid the greatest reverence to that authority, and would never make a wrong use of the trust which was reposed in them. But that if the intreaties they made in their general's behalf were rejected by one of their colleagues, they would change their habit like the person accused, and share with their cap-

tain either in his good or ill fortune, Hortensius struck with their generosity, cried out he would never consent that the Roman people should see their tribunes in mourning. He dropped his impeachment, and declared he would never prosecute a general, unfortunate indeed against the enemy, but who had found means to make himself so dear and agreeable to his soldiers. The affection which four tribunes of the people had shewed to a patrician, and Hortensius's compliance, seemed once more to have restored a union between the senate and the people. The state seemed perfectly quiet; but this concord lasted not long. In the consulate of T. Quinius Capitolinus and Fabius Vibulanus, 332.

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Rome

new dissensions arose with relation to the quæstorship. The quæstors were officers that had the care of the public treasure; and the first foundation of that office is ascribed to P. Valerius Publicola, as we have already observed. That patrician having thought it convenient that the public treasure should be kept in the temple of Saturn, chose two senators to take care of it, who were afterwards called quæstors, and left the choice of them to the people.

The two consuls above-mentioned being entered upon their office, and finding that since the conquests and aggrandisement of the republic, those two officers were not sufficient to dispatch all their business, proposed to increase the number of them, and to add to the two first quæstors, who never stirred from Rome, two others who should attend the consuls and generals in the army, to keep an account of the spoils of the enemies, to sell the booty, and above all, to take care of the provisions and subsistence of the army. The senate and the people at first seemed equally to approve of this proposal, and the senate readily consented that in the election of quæstors, as well as in that

of

of military tribunes, the Roman people, if they thought fit, might chuse as many plebeians as patricians. But the tribunes, ever unjust, demanding that half those magistrates should always certainly be plebeians, the senate rather than submit to this, broke this design of the consuls. The tribunes, in revenge, renewed the proposal of the division of the lands, the perpetual shift of those seditious magistrates. After having inveighed with great rage against the senate, they declared they would never give their consent to the election of new consuls, if the people were not allowed in the election of quæstors to give their voices indifferently for plebeians or patricians. The senate absolutely rejected this condition; and the obstinacy of the two parties in holding to their demands, threw the republic into a kind of anarchy. They were obliged to have recourse several times to an inter-rex; a dignity which was but for five days. Nay, the tribunes often opposed even his election, for fear he should nominate consuls by his own authority. At length L. Papirius Mugillanus, being inter rex, managed the business so artfully, that he brought both parties to consent to the chusing of military tribunes instead of consuls, and that in the election of the four quæstors, as well as in that of those military tribunes, the people might give their votes as they pleased, either to patricians or plebeians.

The assembly for the election of military tribunes was held first; and notwithstanding all the credit and intrigues of the tribunes of the people,

four patricians were chosen, namely,
Year of Rome, L. Quintius Cincinnatus, Sp. Furius Medullinus, M. Manlius, and A. Sempronius Atratinus, cousin to the consul of the same name *: The latter was pitched upon to preside in the election of quæstors. Antisti-

* Liv. 1, 4.

us, tribune of the people, and Pompilius one of his colleagues, put up the one his son, the other his brother, and demanded the quæstorship for them. But in spite of all their cabals, the patricians alone carried that dignity; and the people, though incensed by their seditious harangues, had no power to deny it to men whose fathers and ancestors had been honoured with the consulship. The two tribunes of the people, enraged almost to madness at this preference, and the shame of a refusal, cried out that it was impossible the people could have had so little regard to the intreaty and recommendation of their own magistrates. That there must infallibly have been some deceit in the scrutiny, and that A. Sempronius, who had gathered the votes, ought to be called to an account for it. But as he was a man of known probity, and his innocence and the dignity with which he was then invested, set him above their reach; they turned all their indignation against C. Sempronius his relation, whom we have spoken of before. They revived the prosecution against him for his ill conduct in the last battle, which Hortensius at the request of Tempanius, had dropped; and he was condemned at Year of Rome, their suit, and that of Canuleius, anno 333. another tribune of the people, to pay a fine of fifteen thousand pence. Their fury was not satisfied with the shame they thought to fix upon the whole body of the senate, through the sides of this consular. They continued to fill the city with troubles and divisions, either by hindering the election of consuls, or by reviving old pretensions as the seeds of new commotions.

The next year Sp. Mecilius fourth time tribune of the people, and Metilius another tribune of the people a third time, in order to perpetuate themselves in the tribuneship, and procure to themselves a kind of empire and dominion for life, renewed the

proposal of the division of the lands conquered from the neighbours and enemies of Rome. This was the common bait with which the most seditious tribunes used to lure the people. Rome, as we have said before, built upon a foreign ground depending originally upon the city of Alba, had scarce any territory but what was won sword in hand. The patricians, and those who had the greatest share in the government, under pretence of renting parcels of it, had got into possession of the rest, and of all that lay conveniently for them, and had made it a kind of patrimony of their own : Long prescription had concealed these usurpations, and it had been no easy matter to discover the old boundaries that separated what belonged to the pu-

Year of Rome, blic, from the parcels let out to each particular man. Yet the tribunes were for dispossessing the old proprietors, even

335. though they had raised structures upon those lands. An enquiry so hateful flung the chief families of the republic into great consternation. The senate met several times to think of means to frustrate such dangerous proposals. It

Year of Rome, is said, that Appius Claudius, though the youngest and last of the senate, offered an advice which was not disagreeable to that

336. body : He said, that it was only in the tribuneship itself, that a relief against the tyranny of the tribunes was to be found ; that all they had to do was to gain over only one of those Plebeian magistrates to hinder the ill designs of his colleagues by his opposition. That their way would be to apply to the last of that college ; that they being yet but new in business, and jealous of the authority which Mecilius and Metilius took upon them, would not be inflexible to the senate's caresses, and that perhaps they would gladly lend their opposition, if only to shew their power and make some figure in the government.

This

This advice was unanimously approved, and Appius was highly praised for having thus shewn that he did not degenerate from the virtue of his ancestors. Those senators who had any acquaintance with the tribunes of the people, insinuate themselves into their confidence, and lay before them the confusion they must breed in the state, and in every private family, if they ever entered upon making a distinction between the lands granted by Romulus, and those which had been conquered from the neighbours of the republic for almost four hundred years, and had in different ages fallen into the hands of private persons. That the design of a law to make a perfect equality in the fortune of all the citizens, would destroy the subordination so necessary in a state; and that the rich, whether patricians or plebeians, would not so easily suffer themselves to be stript of the estates they inherited from their fore-fathers, or had honestly purchased of the lawful owners, and that so unjust a search would infallibly raise a civil war, and perhaps cost the best blood in the commonwealth. In short, what with intreaties and remonstrances they succeeded so well, that of the ten tribunes they won over six who opposed the promulgation of the law.

Mecilius and his colleague, enraged to meet with this opposition in their own tribunal and college, reproached their colleagues as traitors, enemies to the people, and slaves to the senate. But spite of all these abuses, as the opposition of but one tribune was sufficient to stop the proceeding of the other nine, and there were six that declared against the reception of the law, Mecilius and his colleague were forced to desist from this enterprise.

Year of Rome.

337.

The senate, by means of this intelligence with the majority of the tribunes, remained the directors of affairs the following year also. L. Sextius,

one of those tribunes, in order to make his court to the people, having proposed to send a colony to Vola, a little town which they had lately taken, the other tribunes opposed it strongly, and declared that during their tribuneship they would never suffer any new law to be offered, that was not first approved of by the senate.

Year of Rome 338. But this good understanding between the senate and tribunes lasted not long : The successors of those magistrates of the people soon afterwards resumed the prosecution of the division of the lands, with even more fury than Mecilius and his colleague.

The Aequi having surprised Vola, the conduct of the war was given to M. Posthumius Regilensis, who was then military tribune : That general knew how to make war ; but he was stern, haughty, proud of his birth and dignity, and carried that distinction too high in a commonwealth, where all the citizens reckoned themselves equal. That general laid siege to Vola, or rather tried to take it immediately by storm. The Romans in those days but rarely made regular sieges : Their way commonly was first to invest a place on all sides ; then they led their troops to the very foot of the walls and by general attack, which divided the attention and forces of the besieged, they endeavoured to make themselves masters of the place. Posthumius, before he led his troops on to this way of assault, which was called *Corona*, because the town was surrounded on all sides, promised them for their encouragement, to give them the plunder if they took it : The town was won ; but Posthumius, who naturally hated the plebeians, of whom the greatest

* Livy l. 4. c. 49. Zoraras. ann. 2. Flor. l. 1. c. 22.

part of his army consisted, broke his word with them, and sold all for the public treasury.

Sextius, who had so much interest as to get continued in the tribuneship this year also, proposed some time afterwards in a full assembly, that to make the people amends for the military tribune's breach of promise, a colony should at least be settled in that place of those who by their valour had contributed to the retaking of it; and he demanded that the plebiscitum to be made for this purpose should grant those soldiers the whole territory of Vola. To intimidate the senate, and so make this proposal pass more easily, he at the same time renewed the old pretensions of the division of the lands, which the tribunes never failed to trump up, when they had a mind to make the senate uneasy, or extort some new privilege from them.

All the people applauded this proposal. Posthumius, whom his colleagues had sent for, that they might conjointly oppose the enterprises of the tribunes of the people, being with the other senators in that assembly, where he saw many of his own soldiers mingled in the crowd, and demanding this partition with great clamours: *We be to my men*, cried Posthumius aloud, *if they do not hold their peace*. So proud a saying, though in the mouth of a general, offended the senate no less than the multitude: Sextius, bold and eloquent, took advantage of the general displeasure, and directing his speech to the people: 'Did you not hear,' said he, 'the threats which Posthumius gave our soldiers, as if they were his slaves? Can you after this doubt the hatred and contempt which the patricians have for you? And yet these insolent and cruel patricians are the men you always prefer in the distribution of dignities, even to those who are daily defending your privileges. Do not wonder if after so ungrateful a preference no body will give himself the trouble to take care

' of them. What can any body expect from a weak inconstant multitude, who reward none but those who insult them the most intolerably ?'

This discourse inflamed the public animosity, which together with Posthumius's threats ran to his very army. The soldiers were already but too much incensed, at his having deprived them of the plunder of Vola, contrary to his promise; they no sooner heard what had passed in the forum, but they cried, that the republic was fostering a tyrant in her bosom; and the whole army was in a commotion little different from an open sedition.

P. Sextius Quæstor having in his general's absence gone about to arrest one soldier who was more mutinous than the rest, received a blow with a stone from him, and his comrades rescued him out of the hands of those that had laid hold of him. Posthumius informed of this tumult, hastens to the camp; but he exasperated the soldiers more than ever by the strictness of his enquiries, and the cruelty of his punishments. After very rigid informations, he commanded the most guilty of the soldiers to be put to death under the hurdle; their comrades furiously tear them from those who had seized them, and set them at liberty: These are new leaders for the sedition; the whole camp rises. Posthumius, transported with anger, comes down from his tribunal, and preceded by his lictors * broke through the press, and goes to lay hands on the criminals; but he finds no respect left to his person, nor obedience to his orders; force is opposed with force, both fides come to blows, and in this disorder the general is slain by his own soldiers

Year of Rome, 339. However odious Posthumius had been, the people as well as the senate abhorred so black an acti-

* L. l. 4. c. 50 Flor. l. 1. c 22.

on,

on, and the consulate falling to Cornelius and L. Furius Medullinus, those magistrates were appointed to try the criminals, and to inflict an exemplary punishment upon them. The consuls however shewed great moderation in this affair; and, to avoid exasperating the spirits of the people, punished only a small number of the most mutinous, who killed themselves. Those wise magistrates * thought it more prudent to suppose the army in general to be innocent, than to drive them into an open revolt by too strict an examination.

*Year of
Rome,
340.*

It had been happy if the senate and consuls had, to so prudent a management, added the partition of the territory of Vola among such soldiers and citizens as had remained in their duty.

That had been the surest way to have silenced all the factious complaints of the tribunes of the people, and to have insensibly taken off their claims upon the public lands and commons, which after all it was almost impossible for the proprietors to justify their title to. But the people saw with indignation, that the private design of the senate and nobility was to keep them always in poverty, as well for the sake of their own interest, as to make them more submissive and dependant. And the tribunes to feed their resentment, were perpetually declaring in all the assemblies, that Rome would never be free while the patricians kept the public lands, and usurped all the dignities of the state to themselves.

Almost continued wars against the *Aequi* and *Volsci*; the plague which succeeded this first Calamity, and which produced a famine, took the people off during the following years from giving ear to those seditious discourses. But peace and

* Liv. l. 4. c. 51.

plenty

plenty were no sooner restored to the commonwealth, but other tribunes created new dissensions.

Three of those plebeian magistrates, of the name of Icilius *, all three kinsmen, and of a family in which a hatred of the patricians was hereditary, undertook to deprive them of the quæstorship, which till then

had never been out of the first order: They first obtained to have the election brought into the comitia of tribes. After having fed the people with hopes of fine colonies, and the partition of the lands, they publicly declared, that they must expect none of those benefits during their tribuneship, if of all the dignities which by right ought to be common among all the citizens of one and the same republic, they could not at least obtain the quæstorship. The people animated by their tribunes gave their votes to Q. Silius, P. $\overline{\text{Æ}}$ lius and P. Papius †, all three plebeians, who were the first quæstors of that order; and of the patricians that put up for that dignity, none but Cæso Fabius Ambustus could obtain it.

The tribunes of the people looked upon this as a victory gained over the nobility. They flattered themselves that the quæstorship would now open them a way to the military tribuneship, the consulship and the triumph. The Icilians cried publicly, that the time was at length come when the honours of the republic should be shared equally among the people and the patricians. In the next election, they would not even so much as hear of the consulship, only because that dignity was yet reserved to the nobles and patricians: The senate were forced to consent to the choice of military tribunes, who indeed had the same power as the consuls, but whose dignity was more agreeable to the people,

* Sp. Icilius. C. Icilius. L. Icilius.
† Liv. l. 4 54. Id. l. 6.

because

because themselves were allowed to put up for it. The Icilians particularly aspired to it openly. The senate alarmed at their ambitious designs, published two laws which intirely shut them out ; the first contained, that no plebeian should stand for the military tribuneship, when he had the same year had the office of tribune of the people ; the other, that no tribune of the people should be continued two years together in the same employment.

*Year of
Rome*

344.

The Icilians plainly saw they alone were the men the senate aimed at ; they lost all hopes of arriving at that first office in the commonwealth, and when they had lost it themselves, they seemed indifferent whether any other plebeian obtained it or no. Perhaps they would even have been mortified to have seen that great dignity in any other plebeian family, before their own had been honoured with it. Be it as it will, no considerable plebeian appeared as a candidate ; and the senate had the cunning to get some of the most wretched of the populace to stand, at the same time that they asked that office for senators and patricians illustrious for their valour.

The people, disgusted with the meanness of the pretenders of their own order, gave all their voices to the nobility ; and C. Julius Iulus, Corn. Cossus, and C. Servilius Ahala were declared military tribunes ; but they did not long enjoy that sovereign dignity. The Volsci having set on foot a powerful army, the senate, according to custom, resolved to send a dictator against them. As the absolute authority of that magistrate in a manner swallowed up the power of all the inferior officers. Julius and Cornelius military tribunes opposed his election, and represented that they found in themselves sufficient courage and experience to command

*Year of
Rome*

345.

mand an army, and that it was unjust to deprive them of a dignity which they had so lately obtained by all the votes of the fellow-citizens.

The senate, exasperated at their opposition, and refusal to name a dictator, had recourse to the tribunes of the people, as they had done before upon the like occasion. But the tribunes of this year observed a different conduct from their predecessors ; and though they were overjoyed to see this dissension between the military tribunes and the senate, they answered with a scornful raillery, that it was a shame for so powerful a body to implore the aid of beggarly plebeians, and of men whom the nobility scarce thought worthy to be reckoned their fellow-citizens ; that if ever the honours of the republic were common among all the Romans, without distinction of birth or wealth, then the people and their magistrates should know how to force a respect to the senate's decrees ; but that till then they would have no hand in the different pretensions of the senate and the military tribunes.

These contests drawing to no end, and the enemies still advancing towards the frontier, Servilius Ahala the third military tribune declared publicly, that the good of his country was more dear to him than the friendship of his colleagues, and that if they would not fairly consent to chuse a dictator, he would take upon him to name one himself : and accordingly, being supported by the authority of the whole senate, he named for dictator P. Cornelius * who afterwards chose him himself for general of the horse.

The war was not of long continuance ; the Volsci were defeated near the city of Antium ; their territory was plundered, and a great number of prisoners taken. After this expedition the dictator laid down his post ; but the two tribunes, dis-

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• Liv. I. 4 56, 57.

contented with the senate for having deprived them of the glory they hoped to have acquired in this war, instead of proposing the election of consuls for the ensuing year, only demanded military tribunes, as the most zealous tribune of the people would have done.

The senate, who were always fearful that the people would at length be brought to give that dignity, either to their own tribunes or to some of the principal plebeians, were touched to the quick, to see their interests betrayed even by those of their own order. But as it was not in their power to annul the publication of the assembly made by the magistrates of the republic, they obliged the chief of their own body, and such as were most agreeable to the people for their moderation and valour, to demand the tribuneship. And notwithstanding all the brigues of the plebeian tribunes, none but patricians were chosen * for military tribunes, and C. Valerius, C. Servilius, L. Furius and Fabius Vibulanus were raised to that high office.

The senate kept the same advantage the following year, and were again powerful enough in the election to procure the same post for P. Cornelius, L. Valerius, Cn. Cornelius and Fabius Ambustus, all patricians, and of the best families in the common-wealth.

It is impossible to express the rage and fury that the tribunes of the people shewed at seeing themselves so long excluded from an honour, to which they were capable of being admitted. They took the opportunity of a new war, which the senate wanted to make against the Veientes, to wreak their revenge. The inhabitants of Veii had carried off

* Diodor. l. 34.

some booty without any previous declaration of war. Ambassadors had been sent to demand satisfaction for this insult ; but instead of excusing or justifying their incursions, they drove away those ambassadors with contempt. The senate, yet more provoked at this insolent behaviour than at their robberies, proposed it to the people to revenge this injury, and to carry their arms into Tuscany. The people poisoned by their tribunes, shewed a very great indifference for this proposal. They said it was not prudent to engage in a new war, while that of the Volsci was not yet terminated ; that the commonwealth had not forces enough to withstand two such warlike nations at the same time ; that not a year passed without their fighting some battle ; that these frequent engagements exhausted the purest blood of Rome, and cut off all their youth : neither did the plebeians, who filled the legions, draw the least advantage from these continual wars.

The tribunes, on their side, cried in all the assemblies, that the senate perpetuated the war only to keep the plebeians out of the city, for fear, if they were at Rome, they should revive the just pretensions they had to the public lands, or by the numerousness of their suffrages raise their tribunes to the chief dignities in the republic. " And in short, said those seditious magistrates to them, " you need seek your real enemies no where but in Rome. The greatest war you have to maintain, " is that which the senate has so long carried on " against the Roman people."

The senate finding so much repugnance in the people's minds to the war with the Veientes, thought it proper to wait a more favourable opportunity ; and in order to regain the confidence of the multitude, and remove the complaints they made against the length of the wars, they resolved to provide for the subsistence of the soldier in such

a manner, that they should not be at all obliged for it to the tribunes. All the Roman citizens, till then, used to go to the war at their own expence ; every man was forced, out of his own little inheritance, to maintain himself as well during the campaign as in winter quarters ; and oftentimes when the campaign was too long, the lands, especially those of the poor plebeians, lay fallow. This occasioned borrowing, usury multiplied by interests, and then the complaints and seditions of the people. The senate, to prevent these disorders, decreed of themselves, and without being importuned by the tribunes, That for the future the soldiers should be paid out of the public money ; and that to furnish this expence, a new tax should be raised, from which no citizen whatsoever should be exempt.

Upon the first news of this *senatus consultum* the people were transported with joy * ; they ran from all parts to the gates of the palace. Some kissed the hands of the senators, *Year of Rome* others called them the fathers of the people, and all protested they were ready to 347.. spill the very last drop of their blood for their country, which they now looked on as a mother liberal and generous to all her children.

In this universal gladness, the tribunes of the people were remarkable for their sullen and envious countenances. The union of all the orders hindered them from making themselves considerable. As they never shone more than in the divisions of the state, they gave out that the senate bestowed largesses at a very cheap rate ; that the people must be very blind if they did not perceive that this their pay would come out of their own pockets ; nay, that it was not just for those who till then had been at the wars at their own charge, and had compleated the time of their service, to

* Liv. I. 4. sub fin. Diod. I. 4.

be taxed to pay the new soldiers that succeeded them in the armies ; that for their parts they were firmly resolved never to pay this new imposition ; and that they offered their service, and the whole authority which their office gave them, to defend those who would follow their example.

They hoped by means of the power they had over the minds of the people to get them to reject this favour, which was odious to them, only because it came from the senate. But a certain and immediate benefit, and especially the example of the chief men among them, who readily paid their contingents, prevailed above all the seditious harangues of the tribunes. The *senatus consultum* was ratified by a *plebiscitum*, and the general consent of the people. Every man ran eagerly to pay a flight tribute proportioned to his estate, which was to bring him in a considerable advantage in return. As there were in those days but little coined money, carts loaden with brass were every day seen going to the treasury with the contributions of private men, which the treasurers received by weight.

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End of the Sixth Book, and First Volume.

